SENATE—*Thursday, March 19, 1992*

(Legislative day of Thursday, January 30, 1992)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

The PRESIDING OFFICER. Today's prayer will be offered by a guest chaplain, the Reverend Paul E. Lavin, pastor of St. Joseph's on Capitol Hill.

PRAYER

The Reverend Paul E. Lavin, pastor, St. Joseph's on Capitol Hill, offered the following prayer:

Let us take a moment to put ourselves in the presence of God.

Lord, God of Peace, we bless You and we thank You. You are the source of all peace and the bond of true brotherhood.

We thank You for the desire, the efforts, the realizations which Your Spirit of Peace has roused in our day to replace hatred with care and insecurity with understanding.

Open our hearts yet more to the needs of all people, so that we may be better able to build a true peace.

Remember, Lord, all who are in pain who suffer and who die in the cause of a more just and decent world.

For people of every race, of every language, and every way of life, may we take part in building a world of justice, of peace, and of true concern; and may the world be filled with Your glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 19, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, Senator MITCHELL.

THANKING THE GUEST CHAPLAIN, REV. PAUL E. LAVIN

Mr. MITCHELL. Mr. President, I want to join all Senators in welcoming Father Lavin this morning. I have a special interest in his words because I attend St. Joseph's on Capitol Hill on weekends when I am in Washington and it is always a pleasure to see and hear from Father Lavin. In behalf of all Members of the Senate, I thank him for his opening prayer.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of the leader time for myself and for the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Leader time is reserved.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I understand there will now be a period for morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein.

The majority leader is recognized.

Mr. MITCHELL. I thank the Chair.

(The remarks of Mr. MITCHELL pertaining to the submission of Senate Resolution 273 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Louisiana [Mr. BREAUX] is recognized.

RICE AND TRADE WITH JAPAN

Mr. BREAUX. Mr. President, for those who may be watching through the medium of television, I rise today to address an international trade problem that is facing the United States which I think has clearly gotten out of hand and to offer at the same time a potential cure for that problem.

One of the problems with the country of Japan, one of our largest trading partners in many areas, is that in some very distinct areas, the country of Japan is not playing by a fair set of rules and regulations.

The other day the Senate Finance Committee had a hearing, and the hearing was on the question of structural impediments to trade. It is a pretty fancy sounding title for a hearing, but the focus of the hearing was to look at various countries around the world that had structural impediments placed in their laws and their rules or procedures that inhibited or made it more difficult for the United States to trade with those particular countries.

Mr. President, I represent the State of Louisiana and one of the cities, in fact my hometown, is a relatively small city of Crowley, LA, which prides itself on being noted as the rice capital of America because of the large number of rice farmers who work and earn their living in that area.

When it comes to the question of rice and trade with Japan, Japan does not have structural impediments. No, Japan rather has a steel fence topped by barbed wire that has been constructed around their country's borders, because when it comes to the United States offering the product rice to Japan for sale, there is absolutely a total prohibition against any sales of rice products in that country.

Mr. President, that is despite the fact that the United States can sell the product at five or more times less expensive, delivered in that country, than they can produce in their own country.

In fact, it is very clear that they subsidize their rice farmers to the tune of 8 to 10 times the current world price of that product. The reason the Japanese say to Americans and to any other country they will not allow any rice sales in their country, is because it is their tradition to grow rice in Japan for the needs of their people.

Mr. President, it used to be America's tradition to build our own automobiles. It used to be our tradition to build our own televisions and electronics, but we have opened our markets in the sense of free trade and have allowed other countries, particularly the country of Japan, to come into our market and offer their products. If they offer it at a better price and better quality, Americans then purchase those products and that is called free and fair trade.

When it comes to Japan, the steel fence they have built around their country with regard to this particular

product is unacceptable. It is unfair. Unfortunately, this administration is not doing anything sufficient to correct the problem. The rice industry, I think it is important to note, tried to follow the procedures of 1986 when it filed a so-called section 301 petition against the country of Japan, which had to be filed with our United States Trade Representative.

The Trade Representative was charged with looking to see whether there were any impediments or any unreasonable restrictions on our ability to sell our products in the country of Japan. The Trade Representative rejected the industry's petition with the statement that basically "we need to study this problem."

The industry came back in 1988, after 2 years of the administration studying the problem, and filed another section 301 petition, alleging unfair trade practices. The administration, once again, received the petition and rejected it with the statement, "We are going to study it."

Just a few weeks ago, the U.S. Trade Representative, Carla Hills, our Ambassador of trade, who works very diligently at the job, was before the Senate Finance Committee. I outlined these concerns to her at that time. I said, "Madam Ambassador, if the industry came back again in 1992 and filed the same petition, what would be the result?" And she replied, "we will study it."

Mr. President, we have studied this problem to the point of exhaustion. We need action. We need some indication from the administration that they recognize this is a serious problem and are willing to take action.

They said, well, we need to study it more because maybe the Japanese Government will make some changes. Mr. President, the latest news articles referring to this situation say, "Japan will stick to its ban on rice imports, spurning a request by the chairman of the General Agreement on Tariffs and Trade." They point out in this article that officials at the Prime Minister's office, the highest office in the country of Japan, said the decision to stick by their ban on rice imports was made at a meeting chaired by Prime Minister Miyazawa and attended by Foreign Minister Watanabe and by the Agriculture, Forestry, and Fisheries Minister Tanabu, and also by the Chief Cabinet Secretary, Secretary Kato.

Later that day, the Prime Minister told Japanese reporters that the decision represents "a policy of the Japanese Government."

Mr. President, that policy has gotten so bad that not only are American rice farmers not allowed to sell their products, at any price in the country of Japan, last year, when American industry tried to display the product, rice, at a trade food show, the industry was threatened with arrest by the Japanese Government. Not only could they not offer the product for sale, they threatened our people with arrest if they even showed their product at a food show.

Mr. President, this is unacceptable conduct. That is not, as we say in Washington, a structural impediment. It, indeed, is an absolute prohibition, an absolute ban. It represents a steel fence with barbed wire encircling their country.

That is why, Mr. President, I have decided to join with Senator BAUCUS in supporting legislation which will, in fact, establish a so-called Super 301 Program. The Super 301 legislation, which is reflected in the bill S. 1850, would create additional pressure upon our President to pursue unfair trade practices that are committed against the United States interests and will also provide the President's Trade Representative with what I think is useful leverage and authority with which to be able to assist this Government and our people with moving the trade talks that are currently stalled and getting nowhere.

It is time to insist that the administration, when they see a problem, take action. And by action I mean more than just an agreement to study the problem. We have studied it and studied it, with no steps in solving it. That conduct is unacceptable, and the Super 301 legislation, which I join in supporting today, is an effort to get results and not just talk.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. BREAUX. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WIRTH. I thank the Chair.

TAX FAIRNESS AND ECONOMIC GROWTH ACT OF 1992

Mr. WIRTH. Mr. President, last week the Senate went through a tortuous consideration of our version of H.R. 4210, the Tax Fairness and Economic Growth Act of 1992. We heard much about what this bill would do or not do for the struggling economy, a lengthy debate, while the bill was before the Senate for more than a week.

In some ways that argument is reminiscent of calculating how many angels can dance on the head of a pin. We all know if you ask enough economists enough questions often enough, you will get the answer you want.

Mr. President, today what I wish to focus on is what we know this bill will really do. The President will soon see it on his desk, and I suspect he will veto it. That is what our friends on the other side of the aisle are saying. But I certainly hope he will not, because there is so much in this bill, Mr. President, that is good for the people of this country, good for the businesses in this Nation, and good for the middle class of the United States.

Many of the bill's provisions can stand on their own as sound public policy. The bill will provide a $300 tax credit for children under the age of 16. For the average family that will mean an extra $5,000 per child by the time that child could receive a driver's license. Many families would not call that insignificant.

There has been a lot of debate over the so-called middle-class tax cut, but I think those who believe we ought to be concentrating on our children and that this is, and should be, the decade of our children would suggest this is, if we are going to have a middle-class tax cut, the fair, efficient, and most effective way to do it.

The legislation will simplify and expand the earned income tax credit, directly benefiting the working poor families of our Nation. That legislation was passed some time ago and has become so complicated that it is useless to those it was intended to benefit, and now we are simplifying that so that the working poor of the country can take advantage of that very significant element in the tax bill.

Third, it would give Americans access to savings in their Individual Retirement Accounts for education, home purchases, and serious medical expenses without penalty. This provision was requested by the President and was broadly received by both sides of the aisle.

This bill would also create a new loan program so students can borrow money to cover the rapidly escalating costs of higher education, and then make repayments back to the Government with a simple payroll deduction—a very streamlined approach to a student loan program; and very important, Mr. President, if we are going to be serious again about this decade of the nineties as a decade for educating our young people; and, if we are going to be serious about retooling our economy and becoming more competitive for the 21st century.

The legislation would prohibit group health insurance plans from denying coverage based on preexisting conditions, allowing people to change jobs without fear of losing their health insurance due to no fault of their own.

What this bill does as well is increase the deductions for the self-employed from 25 to 100 percent for their health insurance, giving farmers and small business people and self-employed indi-

viduals the same deduction benefit that is already available to corporations.

Everybody in this body has heard from their constituents about the desperate plight that so many feel concerning their health care area—first, those who have some preexisting condition who cannot change jobs and are unable to move efficiently within our economy, and second, the fact our Tax Code discriminates very dramatically against our small business and against self-employed individuals. That program is addressed very carefully and effectively in Senator BENTSEN's good bill;

The bill will provide a new taxpayers bill of rights which would give new protections to citizens unjustly hounded by the Internal Revenue Service, a provision that Senator PRYOR and others have been working on for years, and finally we provide an advocate and a Bill of Rights to individuals who feel wronged by the IRS. That should be public law.

The legislation reduces the tax rate for gains made from investments in venture capital companies, giving a boost to the entrepreneurs working on the cutting edge of our economy—reasonable compromise among the varying capital gains proposals which had been made such an issue by President Bush and the administration.

If the President signs this bill, we will extend solar and geothermal business tax credits for solar and geothermal property. This is part of good overall energy policy. We are about to pass a major piece of energy legislation, perhaps the most significant legislation passed in this Congress and being worked on in the House now. The Senate passed its bill. We will be in conference, and will produce a very important energy bill that will start this country off on a new course for energy policy. These solar and geothermal tax credits are a part of that policy.

The bill will expand the exclusion of transit passes to $60, as called for by the President. The President himself admitted that we have these perverse incentives built into the Tax Code, where we reward people for driving to work and parking in a garage but we do not reward people for taking mass transit. We have it backward. This legislation begins to turn that around.

The legislation as well extends the research and experimentation tax credit for a year-and-a-half. It gives businesses a 10-percent investment tax allowance to buy needed equipment and to build and renovate plants, increasing their long-term efficiency.

These are initiatives that are all good policy. Every one of these is by itself good policy. Together there is a synergism of all of this that makes it a tax bill that ought to be passed and the President should sign.

Each one of these provisions addresses a need in our economy and in our society, and provides very real benefits to the fabric of this economy. In fact, many are included in the President's own budget and supported by most of our Republican colleagues.

Now most importantly the tax bill of Senator BENTSEN, the tax bill passed out of the U.S. Senate last week, is paid for. It is paid for. Unlike what we heard from the administration this tax bill is paid for.

The American people are sick and tired of congressional and administration duplicity on the Federal budget. They are tired of us promising to provide manna from Heaven and then finding we are paying for it by billing their children and grandchildren.

People in this country are increasingly wary, have misgivings about their future, as they should, because the debt has climbed again, and again, and again since 1980, and the President's tax proposal is another example of that trend.

A couple of years ago President Bush's own Director of his Office of Management and Budget, Richard Darman, gave a speech and called this approach "now-nowism." Darman was right then, and he is right now. The way the administration proposes to pay for its tax bill is a prime example of Dick Darman's "now-nowism"—the same way it has paid for everything else since 1981, borrow the money. The administration would increase the Federal deficit by $44 billion in the plan proposed in its fiscal year 1993 budget. The President's 7-point priority list would increase the deficit by $27 billion.

The President comes before the American public, tells us all how enormously important this tax bill is, but does not say a word about how it is going to get paid for. The fact of the matter it gets paid for by more debt. You do not want that. I do not want that. The American public does not want that.

The greatest contrast between the tax bill offered and passed here in the last week compared to what is being offered by the administration is the fact that we pay for it, and they do not. We pay for it. The administration further runs up the deficit.

Since my arrival in the Senate and during my tenure in the House, I have been a member of the Budget Committee. During that time we have seen, as I have pointed out over and over again, the attempts made to add more and more debt with this careful sort of glib analysis given on the other side: "It is going to be good for the country to add to the debt." Come on. It is not good for the country to add to the debt. They add to the debt; we pay for it, and our children pay for it.

And how do we pay for it? Let us take a look at that. Let me use this chart right here, if I might do that. Let me point out what has happened to the tax structure in the United States.

Middle-class taxes have gone up, while taxes on the wealthiest 1 percent in the country have gone down. That is exactly what this shows. We have managed over the last 15 years to have taxes on the poorest individuals in our society go down as they should. Taxes on every other income group in this society has gone up except the top 1 percent. That is the red bar. The taxes on the top 1 percent of individuals in the United States have gone down by 18 percent.

Mr. BREAUX. Mr. President, if the Senator will yield, I would make a very valuable point about what this tax bill does. I have heard some of our colleagues on the other side however make the point that the taxes that are paid by the wealthiest people in the country have dramatically increased, not decreased.

I guess the point the Senator is making is they may be paying more in dollars than they were before because their incomes have increased so dramatically. But the percentage of taxes that they have paid, as the chart points out dramatically, shows they are paying a lot less of their income percentagewise than they did before. They may be paying more in dollars but are making a lot more in dollars.

Mr. WIRTH. The Senator is right. The Senator will recall when he was a freshman in high school or college he took a course in statistics. In that course there was a day or two on how to lie with statistics. That is exactly what we have seen in the arguments made on the other side.

The Senator is precisely right in saying this group, the top 1 percent in our society, is making more money, but as the Senator points out, they are paying more taxes. Their incomes have gone up so dramatically the only way you can make a fair comparison is on percentages. Their income tax as a percentage of taxable income has gone down by 18 percent.

What the Democrats are proposing in our tax bill, we are going to pay for, unlike what the administration is doing. They just add it on the debt. We are saying we are going to pay for it, and we will pay for this by increasing taxes on the top seven-tenths of 1 percent, those making more than $200,000 a year.

These are the same people, as pointed out in that reasoned colloquy and by this chart, who have seen their taxes going down—go down by 18 percent since 1977. And during that same period of time taxes on all the other taxpayers in the country have gone up, but not this group. We are saying there is a fairness issue in this as well. This is a major issue of fairness.

The difference between the bill offered by the administration and the bill we are offering is, on the one hand, the difference between debt and fairness. They are saying debt, we are say-

ing fairness. We believe fairness is still an enormously important element of the United States of America. The people who pay for this plan are the same people whose incomes have increased by 136 percent from 1977 to 1992, while 60 percent of the people watched their incomes decrease by an average of 10 percent. That is the point made by the distinguished Senator from Louisiana in his earlier comment.

Look what happened to the income of the top 1 percent. That bar is an indication of this extraordinary shift of income in the United States from average individuals—the extraordinary shift of income—to people at the top end of the income scale.

What we are saying is let us pay for this, and be fair. Fairness remains an enormously important issue for most Americans; maybe not the privileged few, but most Americans still believe, Mr. President, that we should dedicate ourselves to a tax policy that reflects everybody paying their fair share.

Finally, Mr. President, let me point out again that the Senate Democratic tax plan will raise taxes on only the wealthiest seven-tenths of 1 percent. That is those individuals out there who are making $200,000 or more. The wealthiest have received the largest national income increase. As national income grew from 1977 to 1992, 75 percent of that increase went to the wealthiest 1 percent of the taxpayers. Let me point this out again, Mr. President. As national income grew from 1977 to 1992, 75 percent of that increase went to the wealthiest 1 percent.

We have seen a skewing of income during the so-called Reagan revolution. It was a revolution all right, Mr. President, in which everybody else paid, while a very small slice of our society reaped enormous benefits. Everybody would like to be affluent, and everybody would like to be in this 1 percent. But in the process, it is only fair that they pay their fair share. That is fundamental to the Democratic tax bill. First, we pay for it; they do not. Second, we maintain our party's and, I believe, our country's commitment to fairness. Those people who pay for this tax plan are the people who played during the 1980's

Mr. President, I wanted to take a few minutes to point out the significant differences between the financing mechanism and the fairness issues in the Democratic tax plan versus that advocated by the administration. This is a tax plan that is good public policy in all of the ways that I outlined, and more. On top of that is this very, very important issue of fairness. The Democrats are pressing fairness. The Republicans are echoing the same old song: Debt, debt, debt. We have seen the national debt go up by more than four times since the so-called Reagan revolution started in 1981. Our national debt was less than $1 trillion for the first 200 years of our Nation's history. We fought the Civil War, World War I, World War II, the Korean war, the Vietnam war, and ran up a national debt of $1 trillion. Since 1981, in the so-called Reagan revolution, that national debt has gone from $1 trillion to nearly $4 trillion, and they are up to their same old tricks, suggesting that we add yet another $45 or $50 billion to pay for the administration's tax plan. That kind of debt policy is wrong. Any kind of a tax bill ought to pay for itself. We do that and we also do that with a major commitment to fairness to the American people.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE].

EXTENSION OF MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the time for morning business be extended until 1:30 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEMOCRATIC TAX PLAN

Mr. DASCHLE. Let me commend the distinguished Senator from Colorado for an excellent statement. He has, in a very short period of time, succinctly laid out what I consider to be the real strengths of the Democratic plan, and the differences that exist between our plan and that proposed by the administration.

The charts—his information provided to us this morning—clearly demonstrate why those of us on this side of the aisle have become increasingly enthusiastic and hopeful that the American people will understand what it is we are attempting to do and understand the consequences if we fail to do it at the very earliest possible day. So let me commend him for an excellent statement this morning and for his participation in our discussions as we close out the first stage of this debate.

I am hopeful, as I am sure most of us here in the Chamber are, that sometime tomorrow we will have the opportunity to vote on a conference report that will, at long last, close the debate on this issue and send this product of many month of work on to the President.

There are three signatures required, as the President and everyone in the Chamber knows, for a bill to become a law—the signature of an official of the House of Representatives, most oftentimes the Speaker; the signature of the President pro tempore, or his designee, here in the Senate; and the signature of the President of the United States. All these signatures are required for any bill to become law.

It is safe to say that this bill already is guaranteed to have two of the three signatures—probably by this time tomorrow. The House of Representatives will designate someone to sign that bill tomorrow. Chances are that the Senate will designate someone tomorrow to sign the bill here in this Chamber. The question is: Will we have the third, crucial signature on what I consider to be one of the most comprehensive efforts at addressing both fairness and growth that this Senate has undertaken in a long period of time?

I was very pleased with the comments made by the distinguished Senator from Colorado on another matter, and that was his reference to this legislation as the Democratic package—not the Senate package—because I really believe this legislation reflects the shared goals of the House and the Senate. The fact is that the House and Senate bills both embody three basic objectives, regardless of the form their respective provisions took.

The Senator from Colorado addressed them very well. The first was a downpayment on fairness. He showed charts that very graphically depicted the lack of fairness in current tax law and the impact that lack of fairness has had over the last 10 years. I found the report described on the front page of the March 5 New York Times extraordinarily revealing. I ask unanimous consent that the article be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 5, 1992]

EVEN AMONG THE WELL-OFF, THE RICHEST GET RICHER

(By Sylvia Nasar)

Populist politicians, economists and ordinary citizens have long suspected that the rich have been getting richer. What is making people sit up now is recent evidence that the richest 1 percent of American families appears to have reaped most of the gains from the prosperity of the last decade and a half.

An outsized 60 percent of the growth in after-tax income of all American families between 1977 and 1989—and an even heftier three-fourths of the gain in pretax income—went to the wealthiest 660,000 families, each of which had an annual income of at least $310,000 a year, for a household of four.

While total income for all 66 million American families expanded by about $740 billion in inflation-adjusted dollars during the Carter-Reagan years, the slice belonging to the top 1 percent grew to 13 percent of all family income, up from 9 percent.

BIG JUMP IN INCOME

The average pretax income of families in the top percent swelled to $560,000 from $315,000, for a 77 percent gain in a dozen years, again in constant dollars. At the same time, the typical American family—smack in the middle, or at the median, of the income distribution—saw its income edge up only 4 percent, to $36,000. And the bottom 40 percent of families had actual declines in income.

"We know that productivity has increased since 1977 and that more people are work-

ing," said Paul Krugman, an economist at the Massachusetts Institute of Technology and the author of "The Age of Diminished Expectations," a book that is critical of Reaganomics. "Where did all that extra income go? The answer is that it all went to the very top."

FINE-SIFTING THE DATA

The data were compiled by the Congressional Budget Office, the research arm of Congress, which uses the estimates to project tax revenues; the figures were released in final form in December. The census data that most economists use track incomes by broad categories, like the top 20 percent, called the top quintile. The C.B.O. data, by building on figures from tax returns, let analysts focus on narrow income striations with microscopic precision.

"If changes are going on at the top, you don't pick it up in the census data," said Robert Reischauer, director of the Congressional Budget Office.

The broad pattern disclosed by the latest data is not in dispute, but the reasons for the shift are. Potential explanations range from the trend toward lower taxes on the wealthy to an explosion of executive pay to higher returns on capital.

It was not until economists started to analyze the figures that it became clear what a large share of the income gains in recent years was accounted for by the very rich. "The number that no one had seen was how much of the growth went to a few people," said Mr. Krugman, who focused on the numbers in testimony before Congress several weeks ago.

That finding is already supplying fresh ammunition for those eager to reverse the upward tilt in income distribution or searching for new ways to raise Government revenue.

The tax bills wending their way through Congress include an increase in the top tax rate and a surtax on millionaires. And the Democratic Party is honing "fairness" as an issue it can run with.

As it happens, the trend seems to have begun 30 years ago and parallels shifts in other rich countries, including Germany and Britain.

"It's been going on since the 1960's," said Robert Avery, an economist at Cornell University who conducted two Federal Reserve surveys of the wealthy in the 1980's. "It shows up in many different sets of data. And it's consistent with different explanations, healthy and unhealthy."

In fact, a growing tilt toward the top has characterized other periods in American history. Economic historians say that industrial America through the 1800's and early 1900's experienced a growing concentration of riches at the top. But that was partly reversed by the Depression and World War II.

"We have a couple of periods when we've seen especially rapid changes," said Claudia Goldin, an economic historian at Harvard University.

The latest data on income distribution do not provide any easy explanation of the trend. One explanation given by some tax experts is that the rich are simply reporting more of their income and taking advantage of fewer loopholes, now that tax rates have been trimmed substantially. The top tax rate on personal income was cut to 31 percent during the Reagan tenure from more than 90 percent during the Kennedy years.

"The reason is that suddenly you can keep most of the money you report," said Lawrence Lindsay, a Federal Reserve governor who has written a book, "The Growth Experiment," that defended the supply-side tax cuts of the Reagan era.

THE ADVANTAGES OF TIMING

Most economists find the explanation plausible. Unlike steelworkers or secretaries, business owners and executives often have a lot of discretion over the timing and form of their income. They can decide when, say, to sell a business or whether to take their compensation in a paycheck or a bunch of stock options.

"Inequality has increased back to where it was before the New Deal," Mr. Krugman said. "But maybe the New Deal only drove the rich underground."

Still, few economists are convinced that the reporting factors are the only explanation.

For one thing, wage and salary income for the top 1 percent of families exploded between 1977 and 1989. At least two studies have shown that the rich—wealthy wives, in particular—actually worked more after taxes were cut. More important, the pay of chief executives rocketed during the 1980's. By the end of the decade; according to Graef Crystal, a compensation consultant, the bosses were making 120 times as much as the average worker, compared with about 36 times as much as in the mid-1970's.

Before these new data showed how much of the gains really went to the very top, economists knew of the growing inequality and explained some of it by pointing to the rise in two-earner couples and the faster wage growth of highly educated workers, especially ones with computer skills. But the surge in pay at the top is just too large to be explained solely by working wives and M.B.A. degrees.

Another theory is that inhibitions against pay inequality crumbled during the Reagan 80's, a period in which unions were put down and getting rich through enterprise was seen as heroic.

The families at the top of the top quintile include lawyers married to other lawyers and a sprinkling of rock and baseball stars. But the majority probably own closely held businesses or manage Fortune 500 companies. Another thing that makes these families different from the merely well heeled, said Joel Slemrod, a tax economist at the University of Michigan, is that they get about half their income from their wealth—capital gains, dividends and interest. And income from assets owned by the wealthy, like real estate, stocks and bonds, also surged in the 1980's.

For most of the 1980's at least, interest rates were high, the stock market appreciated some 16 percent a year and the price of real estate on the East and West Coasts soared. The value of small-business assets also grew, Mr. Avery said. "The argument that the rise in top incomes was partly driven by entrepreneurial income is fairly persuasive," he said.

In fact, there is new evidence that net worth—assets minus debt—at the very top also grew disproportionately. The Federal Reserve has yet to release data with breakdowns, but a recent Fed study suggests that that was the case.

While some view the greater concentration of income at the top as a problem, many economists do not agree. "The probability that you're looking at the same people at the start or end of a decade is very small," Mr. Lindsay said. "If the top 1 percent is getting richer, it means that there was a lot of upward mobility in America during this period."

Mr. Lindsay cites tax data that show that of the families in the top 1 percent at the beginning of a decade, fewer than half are in the top 1 percent 10 years later. From year to year, he said, between a quarter and a third of families move from one broad income group, like the top 20 percent, to another.

Keep in mind, moreover, that 1989, the last year for which Congressional Budget Office numbers are available, represented the peak of the 1980's financial boom. The early 1990's have already clipped the wings of a lot of high-fliers as corporations have shed executives, law firms have downsized, businesses have failed and real estate values have collapsed.

But it is easy to exaggerate fluidity at the very top, some economists say. For one thing, the rich may get knocked off their perches from time to time, but the fall for most is not usually all that far. Then too, an income drop is as likely as not to reflect a decision to take a one-time loss than it is a permanent change in the ability to generate income.

Besides, said Frank Sammartino, an economist at the C.B.O.: "People complain that the income distribution is just a snapshot of one year. But after all, taxes get paid on one year's income."

THE TAX FACTOR

Although families in the top 1 percent paid slightly less than 27 percent of their income in taxes in 1989, compared with more than 35 percent in 1977, their payments amounted to a somewhat bigger share of the total Federal tax bill than in 1977. The reason, of course, is because their incomes grew so much.

With incomes that total near half a trillion dollars—about the same amount, coincidentally, as total Federal tax revenues—the top 1 percent of American families have a lot of financial heft.

"If you're talking about the income tax bubble or capital gains, it's not the top 5 percent of the top 10 percent, but the top 1 percent," Mr. Avery said. "If they're taxed at 100 percent, everybody else can be taxed at zero," he added jokingly.

The data are going to keep economists busy for years and should pay fat dividends for Americans' understanding of how the freewheeling United States economy really works. But, for the present, the numbers are bound to provide yet another battleground for politicians arguing over which tax policy will produce the best combination of growth and "fairness."

Mr. DASCHLE. Mr. President, the report, prepared by the Congressional Budget Office, demonstrated again in very graphic terms what it is we are referring to when we talk about fairness. From 1977 to 1989, according to this report, pretax income of the rich grew very sharply. The top 1 percent saw an increase of 77 percent and experienced an average income of $559,000 in 1989. The top fifth or 20 percent, saw an increase during that period of 29 percent and had an average income of $109,000. The second fifth saw an increase of 9 percent, and had an average income of $47,900. The third fifth experienced an increase of only 4 percent, and had an average income of $32,700.

Here is the breaking line, because of the bottom two-fifths, the fourth fifth saw an actual reduction of 1 percent, having an average income of $20,000. That is, the vast majority of working class people in this country actually saw a decline in their purchasing power in that period from 1977 to 1989. And

the bottom fifth took the worst hit of all: A 9-percent reduction in their purchasing power, with an $8,400 average income for that period of time. The richest 1 percent of families received 60 percent of the after-tax income gain, according to this report. That portion received by families with incomes in the top 2 percent through 5 percent of the population saw 14 percent of the after-tax income. So the top 3 percent saw an increase of 74 percent of the overall after-tax income gains in that period from 1977 to 1989.

So, Mr. President, it is very clear, I do not know how anyone can argue with those figures or about the fundamental difference between the President's approach and our approach. It is time to address this critical issue of tax fairness, not in some haphazard way, but in a straight forward way, by putting the responsibility of paying for this economic growth package on those who have the ability to pay. It is time to bring at least some measure of fairness to the Tax Code by asking those at the very top of the income scale to contribute their fair share.

So this is a fundamental down payment on fairness that we feel is very important.

The second objective in both the House and the Senate is to provide tools for investment and savings, not only through traditional investment incentives, but also through investment in our people, investment in education, and investment in health. The small market reform package that Senator BENTSEN originally sponsored and was supported and endorsed by so many of our colleagues on both sides of the aisle is part of this package, as the Senator from Colorado indicated.

The educational package within this overall proposal gives us many opportunities to address the needs of higher education, particularly for those middle-class families who are having so much trouble covering their basic expenses and having enough left over to finance their children's education.

So making an investment in our people is just as fundamental to long-term economic growth as using traditional economic incentives for investment.

In the opinion of those in Government as well as economists of all philosophical persuasions, the economic growth potential of this package is difficult to dispute—with respect to capital gains, the passive loss rules, repeal of the luxury tax, and extension of expiring tax provisions. This package represents the broadest consensus of recommendations made to us by economists and those in Government alike. Incidentally, it also represents virtually 95 percent of what the President told us he felt would do us the most good in bringing about economic recovery and long-term economic growth.

But we add one more thing to that, besides investing in our people, besides providing traditional tax incentives for investment. We also provide incentives to save. We lamented for years about the extraordinarily low savings rate we have in this country. What better opportunity could we have than the one we have right now to include in our overall strategy an opportunity to address the critical need to save. We do that in this bill, and, again, there is a dramatic difference between what we suggest and what the President has proposed.

Then, finally, the third objective is perhaps the most responsible overall thing we are talking about. While it is never easy to bite the bullet, and never easy to come up with ways to pay for tax incentives for growth and savings, we do find a responsible, and without a doubt effective, way to pay for all the things for which we are calling. That is another fundamental difference between our approach and the President's.

The President has used once again a gimmick by which to pay for these proposals that even many of his colleagues here in the Senate are unwilling to accept—switching to the accrual method of accounting for Government insurance funds. This gimmick is extremely shortsighted. The savings allegedly generated by this proposal this year are going to be needed in 5 or 6 years.

By not having those savings when we are going to need them, by accelerating the opportunity to utilize funds that are already committed, we are not only being dishonest with the American people, we are borrowing from funds we will need in the outyears.

So, Mr. President, the way I see it, we agree with the President on two things, and we disagree on two others. We agree that tax tools are necessary—that there are things that can be done through the Tax Code that ought to enhance our economy. And we agree that there ought to be investments in our people through small market reform and increased access to education.

But we disagree and this disagreement is fundamental, when it comes to establishing more fairness in our Tax Code and the way to pay for the things that we advocate through this comprehensive approach to economic reform. Perhaps the biggest disagreement of all is over what approach we feel we must take to achieve long-term economic growth. Our belief is that the tax provisions we are proposing are only a down payment on a long-term investment strategy. The second part of this plan has to be the appropriations process. We must also use the peace dividend and savings in other areas of the budget to achieve the long-term economic growth and stability that is so desperately needed.

Mr. President, Allan Meltzer on Tuesday, March 17, addressed this need as cogently as I have seen anyone address it in recent months in an article in the Wall Street Journal. Mr. Meltzer is professor of economics at the Carnegie-Mellon University in Pittsburgh. His proposal would address the need for long-term investment in a way that I believe virtually everyone here can support.

Mr. Meltzer asks three questions we all ought to ask ourselves as we look at long-term investment incentives:

(1) Does the program benefit the present at the expense of the future?

(2) Does it further the practice of encouraging consumption at the expense of saving and investment?

(3) Does it encourage growth or redistribution?

He provides answers to those three questions. He assesses the advisability of the various approaches we might take to long-term investment, after contributing his view of the deficit and the need for long-term investment, very effectively.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 17, 1992]

WORRY ABOUT UNDER-INVESTMENT, NOT DEFICITS

(By Allan H. Meltzer)

"CBO projects that the deficit will exceed $350 billion in 1992, setting a new record for the second year in a row. . . . [T]he 1992 deficit will amount to 6.0% of GDP, just shy of the postwar high reached in 1983."

This is the way the Congressional Budget Office began its January discussion of the budget outlook, but its handwringing is unwarranted. Because CBO's budget numbers include too much and too little, they misrepresent the country's fiscal position and direct attention away from real economic issues—such as how resources are used or how tax laws favor consumption over investment. After a decade of self-flagellation about the deficit and forecasts of disasters that did not occur, it is useful to pause long enough to ask what the published numbers mean.

Economists do not agree whether or how budget deficits affect the economy. They do agree, however, that if deficits matter, the two deficit measures that matter most are (1) the primary budget deficit and (2) the ratio of publicly held debt to some broad measure of spending such as GDP or GNP.

PRIMARY BUDGET DEFICIT

The primary budget deficit excludes interest payments and the massive outlays for the thrift bailout, two expenditures that have no impact on economic activity, aggregate spending or prices. Interest payments are a pure transfer. The government collects revenue from some people that it then pays as interest to others. This may have modest distributive consequences, but it does not affect the workings of the economy.

The huge expenditures on the thrift bailout pay for losses incurred in the past, when resources were wasted in unproductive projects or in some cases were stolen. Had the government kept its accounts more accurately, the losses would have been recorded when the net worth of many S&Ls became negative. Instead, they are recorded now as part of the deficit. That makes both the reported current deficit larger and reported

earlier deficits smaller. When the assets of the failed S&Ls are sold, future deficits will be reduced. Again, all this bookkeeping has no economic significance.

The ratio of public debt to GDP signals that the national debt may be rising faster than the economy's capacity to pay. From the repeated experience of countries in Latin America and elsewhere, we know that an ever-increasing ratio of debt to GDP may be followed by inflation or even hyperinflation. This may be a problem for Russia or Brazil, but hyperinflation is a remote danger for the U.S., where inflation has fallen during the years of handwringing about the deficit.

In fact, neither the primary deficit nor the debt ratio suggests that the U.S. budget deficit should be high on the list of current concerns. The primary budget was in surplus from 1988 to 1990. Last year the government reported a cyclical primary deficit of about $50 billion resulting from the recession. Before the president's tax and spending initiatives the CBO projected relatively small primary deficits for 1992 and 1993, reflecting its forecasts of sluggish growth in output, employment and tax revenues, with continued growth in non-defense spending. The CBO estimated that if the economy were at full employment, the primary budget would show a surplus of 0.5% to 1% of GDP for the fiscal years 1993 to 1997.

During the 1980s the ratio of federal debt to GDP jumped from the mid-20% range to the low-40% range. Financing the S&L bailout and rising government spending (including interest payments) will move the debt ratio to about 55% of GDP in the 1990s. Thereafter the debt ratio should remain stable, according to government and responsible private projections. If the projections are correct, the debt ratio will be returning to its mid-1950s level, before the inflation of the 1970s reduced the real value of the debt. At 55% the U.S. debt to GDP ratio is not much larger than the ratios in Germany and France.

If the primary deficit and the debt ratio were all that mattered, we could be confident that the budget posed no long-term threat to economic stability. Unfortunately, the government accounts are not as inclusive as they could be. Government liabilities for civilian and military employee pensions are as much in obligation as a formal bond contract.

These claims are not included as part of the government's debt, but they should be. Estimates by Henning Bohn of the Wharton School show that pension obligations for government employees increased the federal government's liabilities at the end of 1989 by $1.2 trillion—and government pensions are only one of many liabilities excluded from the debt-to-GDP ratio. Among some of the notable others: federal deposit insurance, guarantees of private pensions and of shareholders' brokerage accounts. The thrift crisis is an example of a contingent liability that came due.

Accounting for the federal government's hidden liabilities is not a mere matter of detail. While official documents show that the federal government added $1 trillion to its net debt between 1982 and 1990, Mr. Bohn estimates that a more accurate measure of the increase in net government liabilities for these years is $1.5 trillion—and even that is without including future obligations for Social Security and Medicare.

The government reported total net financial liabilities of $1.6 trillion at the end of 1989. But Prof. Bohn estimates that the government's total negative net worth is in fact twice that amount, again excluding Medicare and Social Security liabilities. If Mr. Bohn is correct, the federal government's indebtedness is equal to about 27% of Americans' total private wealth.

Mistaken assumptions about deficits and the public debt matter because they lead presidential and congressional candidates, journalists and citizens to draw incorrect conclusions and become concerned about the wrong set of issues.

The major question is not the deficit itself, but how the federal budget affects the way Americans use resources. Looking at the deficit alone makes it seem that federal investment in infrastructure has the same effect as hiring more regulators. The effects on the economy of these two ways of spending money are, however, quite different. If the government's investment is effective, private sector productivity is enhanced. Consequently, the government adds assets that offset its liability for debt. The private sector too may add additional assets, so wealth increases.

On the other side, regulators often reduce private sector productivity by diverting resources to unproductive tasks. And here there is no asset to offset the liability. Computation of government net worth shows that the government has accumulated debt without generating assets to pay for it, either directly or by increasing productivity in the private sector.

Of course governments everywhere are concerned with issues other than productivity, such as the protection of persons and property, protection of the environment and redistribution of incomes and wealth. These concerns are not advanced by fevered worry about an imprecise and mismeasured number.

None of this should suggest that budget deficits are irrelevant. But when many express concern about what this generation will leave to its progeny, we need to be clear about what government has done and can do and what we as a nation want it to do. Instead of concentrating on the deficit, we should ask three questions about administration and congressional spending and tax proposals:

1) Does the program benefit the present at the expense of the future?

2) Does it further the practice of encouraging consumption at the expense of saving and investment?

3) Does it encourage growth or redistribution?

PRESENT AND FUTURE

With a few exceptions, most of what has been proposed this year by the president or Congress favors the present over the future, consumption over saving and redistribution over growth. These choices do not address public concern about slow growth of income and productivity. They add to future liabilities without providing government assets or encouraging acquisition of private wealth to pay for debts when they fall due.

It is a mistake to allow concerns about the budget position to prevent actions that raise standards of living and add as much or more to assets than to debt. Budget decisions that encourage investment, raise productivity and reverse the bias toward current consumption should be welcome, even if the people with green eyeshades turn blue.

Mr. DASCHLE. Mr. Meltzer concludes by saying this:

It is a mistake to allow concerns about the budget position to prevent actions that raise standards of living and add as much or more to assets than to debt. Budget decisions that encourage investment, raise productivity and reverse the bias toward current consumption should be welcome, even if the people with green eyeshades turn blue.

I believe that is the essence of what we are attempting to do here. We are attempting to recognize that, while we can come up with all kinds of ways to obfuscate the real issue here, the real issue is that we come up with a plan, through the Tax Code and a long-term investment strategy, and using the appropriations process, that will bring about economic reform, that will bring about the kind of long-term investment that this country so desperately needs.

This represents the best chance, the best effort, the most effective consensus that we can arrive at, given the very difficult circumstances that we have been dealt. As I said at the beginning, I believe that by this time tomorrow or sometime shortly thereafter, two of the three signatures required to pass this bill into law will be there. The question is will we have the third?

Mr. President, I appreciate the time.

I thank the President and yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I thank the Chair and compliment my colleagues on the remarks that he just made which are certainly filled with wisdom. I hope our colleagues will study them and reflect upon them. I am also proud to have him join me in an effort I am prepared to announce on the Senate floor.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN, Mr. SIMON, Mr. DASCHLE, and Mr. WOFFORD pertaining to the introduction of S. 2373 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON. Mr. President, I see the Republican leader here, so I will not suggest the absence of a quorum. I will listen to words of wisdom from the senior Senator from Kansas.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Kansas.

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. It has.

Mr. DOLE. I thank the Chair.

RECOGNITION OF THE TRINKLE FAMILY

Mr. DOLE. Mr. President, I rise today in recognition of a Kansas family that epitomizes the American tradition of duty and service. From 1940 to 1958, the Trinkle family of LaCygne, KS, stood up when America called. As our Nation celebrates the 50th anniversary of World War II and our victory in the cold war, it is fitting that we remember the many unsung heroes—those that fought the battles and made the

sacrifices that won the victories. In my view, one would have to look long and hard to find a family that has given more to our Nation than the Trinkle family.

Fifty years ago, America was in a very different situation than we find ourselves today. By early 1942, the war that had already ignited the world had reached an unprepared and untested America.

The United States was in the fight, and the call went out for fighting men. In LaCygne, KS, the Trinkle brothers answered the call. In June 1942 Arthur Trinkle graduated from high school and volunteered for service, joining his older brothers Henry and Vilas, who had already left for the Army. Although the policy at that time was to allow deferments for families with members already in the War, the three Trinkles were soon joined by their younger brother Joseph. By 1943, the Trinkle home in LaCygne had four victory stars in their windows.

On June 6, 1944, the Allies landed at Normandy and three of the Trinkles where there. Joseph landed at Utah Beach, and both Henry and Vilas fought their way ashore at bloody Omaha Beach. On August 15, 1944, Arthur landed with the Allies at Marseilles. From the beachheads of France, to the Battle of the Bulge, the crossing of the Rhine, and the march to the Elbe River, Arthur, Vilas, Henry, and Joseph were in the front lines of every major battle in the French and German campaigns. Between them, the Trinkle family earned 17 Battle Stars from 1944 to 1945.

But the Trinkle family's service did not end with World War II. America needed soldiers to stand against Communist aggression and again the Trinkle family was there. Billy Trinkle served with the occupation forces in Japan, and Francis Trinkle served in Korea, where he spent 9 months in a hospital from injuries, one of the many unsung casualties of the cold war. The last Trinkle to serve his country was the youngest, Berle, who was in Germany until 1958.

Mr. President, you will not find the Trinkles in the history books. You will not find monuments to these seven men or those like their two sisters Romona and Marion who kept the Nation running and the home fires burning while their brothers where gone. The Trinkle family never asked for favors, they went out and did their duty. In my view, the Trinkle family are all heroes. It is families like the Trinkles that makes our Nation great. When I hear the masters of criticism cry that we as a nation can't hack it, I know better. As long as our Nation has Americans like the Trinkles, I am confident that our Nation will always have a future.

ONE DAY AND COUNTING

Mr. DOLE. Mr. President, we are getting down to D-day when it comes to economic growth packages, and I know my Democratic colleagues are working in a conference on the House-passed tax bill and the Senate-passed tax bill. It may be they can finish today, and we will have a vote on it tomorrow. But I wanted to indicate that despite all the happy talk we have heard about the majority's bill, it only garnered 50 votes in the Senate. The vote was 50 to 47.

I think there are a lot of people, those who voted for it, wondering whether they may have cast the right vote, because it is a tax increase bill. It is a big tax increase bill, about, I think, a $67 billion tax increase in the Senate bill and about a $70 billion tax increase in the House bill.

There was an alternative to this bill. It seemed to me that in the final analysis we could have ignored a lot of the partisan frenzy. I find in the exit polls in the State of Illinois, and I find in the exit polls in the State of Michigan, two very important industrial States in America, by over a 2-to-1 margin the voters who went to the polls Tuesday were saying I would rather have a stimulus to the economy than I would a tax cut.

People want jobs. There are not any jobs in the bill we passed. People want jobs, not tax increases or, in some cases a 2-to-1 margin in those two key States, not tax cuts.

So the good news is that there is an alternative and we could pass it today. We are not going to pass it today, but it is the President's commonsense package of seven incentives that do not bust the budget and do not raise taxes.

So there is 1 day left before the President's deadline, and I am certain that the majority leader and the Speaker of the House will meet the deadline. It is an artificial deadline. The trouble is the deadline is going to come and there is going to be a package, but the President is going to veto it and the veto is going to be sustained and the American people will receive nothing.

So I do question, though, seriously—and I am fairly good at counting votes—how many votes there will be for that package when it comes back to the Senate and there are provisions that are changed. Some people may have voted for the Senate package and the conference report may change some of those things. Are there 50 votes or 51 votes to pass the package in the Senate?

It is going to be very close. There will be a vote on the conference report, and many who voted to raise taxes will then have a chance to get off that perch and vote against the bill and vote against increasing taxes, because I have a feeling that some of the results we saw in Michigan and Illinois may have been based on tax increases and what the American people thought about tax increases.

I met with President Bush yesterday. There is no doubt about it; he is going to sustain the veto. He does not do it lightly. It is very serious. He knows that raising taxes is not the answer. And I would hope that when that veto is sustained, and it comes back to the Senate, or when the veto is sustained in the Senate and/or the House—probably the House will sustain it first—we will get back to work and see if there is something we can do on a nonpartisan basis.

There are all kinds of reasons; people say there is an anti-incumbent feeling, and there probably is, probably has been around for several months; there is check-bouncing scandal where a lot of innocent people are going to get dragged in with a few others who probably deserve what they receive; and some saying maybe the Clarence Thomas vote may have had an impact in one of the Senate races in Illinois. I am not certain. But there is a lot of frustration in America.

I do believe that the American people, whether they live in my State of Kansas or the State of Illinois or the State of Pennsylvania or anywhere else, are frustrated. And when people are frustrated, it is a danger signal for elected officials. I do not care what party or what office, it is a warning signal that we ought to heed.

But I would say again according to exit polls, by overwhelming margins, Democratic voters in Michigan and Illinois Tuesday said providing incentives for economic growth, not a middle-class tax cut, should be a higher priority, and that is just among Democrats. Sixty-two percent of all voting Democrats in Michigan and 60 percent of all voting Democrats in Illinois said economic growth incentives are more important to them than the so-called middle-class tax cut. It does not amount to much in any event.

So if you are not convinced, look at the headline today above the new Washington Post survey which says "Poll Shows Americans Ambivalent About Tax Cut. Support Declines When Possibility of an Increase in Budget Deficit is Mentioned."

And when it comes to the Democrats' tax hike, even the distinguished chairman of the House Ways and Means Committee concedes their bill will not become law, saying "We might not do anything, and in my opinion that is not all bad." That is from Chairman ROSTENKOWSKI, a good friend of mine, and I am pleased he won his election on Tuesday.

So as we listen for messages from the voters, let us not tune these messages out. Additionally, we should not ignore all the encouraging signs from many sectors of our economy. It appears there is a recovery getting under way.

Slowly, yes, too slowly for many, and still a long way to go. But there are solid indications now of a pickup in real estate, construction, factory output, the lowest trade deficit in nearly a decade, and an inflation rate that remains under control.

That is why President Bush was right to stay away from tax increases and to stay on the commonsense path of growth incentives. He has made a very reasonable request of Congress when he asked us to act on his 7 economic growth initiatives by March 20.

So far Congress has flunked the test. Instead of getting timely action, all the American people have gotten is a healthy dose of rhetoric and cynical class warfare, and that phony argument that we are protecting the rich and the other side is protecting everybody else, nobody really cares, I do not think is going to wash because people know that in the Democratic tax bill 89 percent of the tax increases are paid by business men and business women, sole proprietors, partners or subchapter S corporations. These are businesses—businesses where they might go out and hire people and put people to work. Now they are going to have to take that money and pay more taxes. That is not saving the middle class.

The good news is the Americans are not going to buy that bogus argument. I know a lot of my colleagues on the other side do not like it either. It only passed by 11 votes in the House, only by 3 votes in the Senate. I would hope we could kill the conference report when it comes back; save lot of time, save it going to the White House, save the veto, save the vote on the veto.

Mr. President, it seems to me if we are going to act, we are going to have to act very quickly. I challenge my colleagues on both sides of the aisle, Republicans and Democrats, to look at the polls—I am talking about the real polls, the polls in Michigan and Illinois—listen to the people and learn from this week's votes.

The American people are tired of politics-as-usual on Capitol Hill. After all, the American people are paying us to create jobs—not excuses, and not new taxes.

So, there is one day left—one day left to do something that will really make a difference, one day left to tell the American people help is on the way, not just more taxes, and not just more of the same old stuff from the status quote bunch on Capitol Hill.

Let us face it. When the clock strikes midnight, zero is that the Congress will have shown for its efforts. And zero is what the American people have every right to call a Congress that has put politics first and America last.

The bottom line is for the no-show performance on economic growth, the President—and the American people—have no one to blame but the zero Congress.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

WAIVING CERTAIN ENROLLMENT REQUIREMENTS WITH RESPECT TO H.R. 4210 OF THE 102D CONGRESS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 446, a joint resolution, just received from the House, permitting the hand enrollment of H.R. 4210, the tax bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 446) waiving certain enrollment requirements with respect to H.R. 4210 of the 102d Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Is there debate?

If there is no objection, the joint resolution is read a third time and passed.

Mr. WOFFORD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Washington is recognized.

AN ALTERNATIVE TO THE SPOTTED OWL RECOVERY PLAN

Mr. GORTON. Mr. President, for 3 years the debate over the northern spotted owl has raged in the Pacific Northwest. Hundreds, if not thousands, of jobs have already been lost to burdensome spotted owl restrictions. Thousands of more jobs are at risk. These are not jobs lost to economic trends, to a recession, but to deliberate policy decisions made or ignored by the Congress. For 3 years Congress has failed to produce any long-term answer or relief.

For 3 years the spotted owl crisis has been portrayed as a Northwest problem. This Senator however has worked to see that jobs and lives in the Pacific Northwest are not arbitrarily destroyed.

Today the spotted owl is a national issue. The President has proposed a $5,000 housing tax credit, but that tax credit will be entirely consumed by increased lumber prices which are a result of a timber supply drastically depleted by spotted owl restrictions in the Pacific Northwest.

I am sorry to report that the President's proposal to build this country out of the recession will fail because of the domestic wood supply for building has plummeted and the cost of housing has skyrocketed.

Throughout the past 3 years, many in Congress have complained that the administration has done nothing to find a resolution to this issue. The same critics actually charge that the administration has caused the problem.

Now, at last, an honest effort is being made to bring a balance between those excessive and costly restrictions and the status quo ante. That relief comes not from a Member of Congress, not from an environmental leader, and not from a timber industry leader. That relief is proposed by the Secretary of the Interior.

A few weeks ago, Secretary Lujan announced that a recovery plan for spotted owls is ready but could not be released because of the President's 90-day regulatory moratorium. That recovery plan, required by the Endangered Species Act, is almost a replica of the Thomas report of 2 years ago and will cost at least 31,000 jobs. The Secretary announced that, in the meantime, he was creating a working group to develop an alternative to the ESA recovery plan that concerns itself with the fate and interests of people, jobs, families, and communities in the Pacific Northwest. That plan he will present to Congress.

Within hours of the announcement, the Secretary was criticized by many members of Congress, including the majority leader of this body, for unreasonable delay, for politicizing the process, and even for breaking the law.

Mr. President, Secretary Lujan is not breaking the law. It is not against the law to craft an alternative that will lessen the devastating impact of the Endangered Species Act on people and their communities and present it to Congress for its consideration. The Secretary realizes fully that he cannot adopt such an alternative unless Congress gives him the authority. The Secretary has sworn to uphold the law and has told me personally that he will do so.

The Secretary has no choice but to follow the Endangered Species Act, but Congress can choose. Congress will have the choice either to do nothing and thus adopt the recovery plan, thereby destroying the jobs and the lives of 31,000 people and their families or to adopt a plan that provides a reasonable balance. If Congress declines to accept the Secretary's alternative, the Secretary will have no choice but to adopt a recovery plan consistent with the Endangered Species Act and will do so.

Secretary Lujan is expected to testify next week before several House subcommittees. The purpose of the hearing is to prevent Secretary Lujan from proposing an alternative that would save jobs. Every initiative taken

by Secretary Lujan to date has had the objective of helping people and saving jobs, while still preserving the spotted owl. This is the kind of balance we need to solve the spotted owl crisis, but Congress will not accept it. I am sure that the Secretary's questioners next week will do what they have done for 3 years; criticize. They will criticize the Secretary's efforts to save jobs, save owls and bring balance to this chaotic situation.

Considering both the inability of Congress to solve this problem and the fact that the only other option available to the Secretary is a costly recovery plan, the Secretary's alternative seems to be the only plan with any hope of balancing the interests of people in the Pacific Northwest and spotted owls. We must at least give the Secretary the opportunity to develop an alternative. Let us wait to see what it looks like before we condemn it. If it both preserves existing owls and provides economic stability, then Congress should give the Secretary the necessary authority. If not, let the Secretary adopt the recovery plan. I do not want to look back with the regret, however, that we failed to explore every option. The people of the Pacific Northwest—their livelihoods, their families and their sense of hope—are depending on our willingness to explore all options.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be able to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR HARKIN'S WITHDRAWAL SPEECH

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent that the remarks of Senator TOM HARKIN from Iowa, when he withdrew from the Presidential race given at Gallaudet University, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR TOM HARKIN, GALLAUDET UNIVERSITY, MARCH 9, 1992

For all who are called to public service, there are people and places that serve as a source of special inspiration to them in their work.

My special source of inspiration is my older brother Frank, who is deaf. Frank graduated from the Iowa School for the Deaf. And when he graduated, his horizons were limited. But today, the only limit deaf children graduating from here or there have is their ability to dream.

To invest our national treasure in the skills and talents of the young; to use government to empower and to lift up; to give hope to all of us, so that we can demand the best from each of us—this is what a visionary government can do.

These are the values that brought me into public service.

For the last six months I have had the opportunity to do something very special. It has been the privilege of a lifetime. That this son of a coal miner and an immigrant mother, could climb the ladder of opportunity and run for the presidency of the United States of America.

This school is a very real symbol of what my campaign has been about. This school teaches hope, and opportunity, and ever wider horizons for those who cannot hear. You learn to hear with your eyes; to speak with your hands; and, more important, to realize your potential and your value.

This school and this campaign—and the wider campaign that continues during and after the presidential race—is about a society that is open and welcoming to all of its citizens. It's about inclusion, not exclusion. It's about using government as a means to provide a ladder, and ramp, of opportunity for our citizens. To open doors so that each American can contribute to his or her maximum potential.

That's the belief that has guided my public life, and this is the reason I have run for President.

From our first day, this campaign has been about the ideals and values that built America.

It's been about human dignity and justice, and about electing a President who cares, not just for the few of us but for all of us, and for our dreams and the hopes of our children. Our campaign was based on the belief that America is not some at the expense of many, but many to the advantage of all.

This is still our cause. Nothing that has happened in this campaign has or could ever change that.

But in politics one's destiny is in the hands of the voters, as it should be. And while thousands have rallied to our side, other candidates have done better.

My advisers told me not to peak to soon. I guess I took their advice too seriously.

With sincerity, I congratulate my fellow candidates for a job well done. After today, as a result of their success, I will no longer be a candidate for the Presidency of the United States.

But far more important than what I am not is what I remain—a person who has stood solid for 18 years to build an America that's as good in practice as in promise, and that's what I remain, no matter what, tomorrow, and the next day, and for as long as I live.

Somebody asked me if this race has changed me much. And I said, no, I'm still the same gentle, low-key, soft-spoken guy I've always been.

So to my fellow Democrats, I say to whomever our nominee is, that I will be there: that I will pay any price, bear any burden, learn to speak Greek, develop a southern accent, or learn to wear a turtleneck to ensure that a Democrat is elected president in 1992.

As for me, circumstances may change, but the work of care and compassion still continues. The poor may be out of political fashion, but they are not without human needs. The middle class may be angry, but they have not lost the dream that all Americans can advance together.

I believe deeply in the Democratic Party because it has been the party that most consistently has spoken out and acted on behalf of the people and the public interest and looked to the future.

We are the party of hope and opportunity for all those who seek access to a better future, a better job, education, and health care. Who want to fulfill their God-given potential, who just want to be part of the American Dream.

Hubert Humphrey once said that the unfinished business of America is the business of Democrats. And it is to that unfinished business that we Democrats remain committed today.

We are committed to an America where every young child who wants a college education can get one.

We are committed to an America where the state of a person's health will not be determined by the amount of a person's wealth.

We are committed to an America where people have well-paying, secure jobs and a work force that is the smartest, healthiest, most productive in the world.

We are committed to an America that says no to racism, no to sexism, no to anti-semitism, no to homophobia, and builds bridges to unite us instead of walls to divide us.

We are committed to an America where our water and air are clean, our cities and farms are thriving, and our imagination and ingenuity can lead the world again.

Above all, we are committed to an America where people who work hard, and play by the rules, and pay their taxes, and raise their families, can be sure that they will pass on to their children a better life and a better world than what they knew.

That is what we remain committed to. And for each of these commitments, we have only just begun to fight.

Let me just say a few words to all I have met and everybody who has supported me, here and across the country.

The last several months have been some of the most joyous and uplifting of my life, and it couldn't have happened without you. You welcomed Ruth and me into your homes, your churches, your union halls, and your campuses, and shared with us your hopes and your dreams. I'll never forget the comraderie, the fellowship, the long hours that people have given of themselves. We have forged bonds that will never be broken.

Above all, I will never forget the friendship shown me by the people who know me best: my fellow Iowans. People like Fran and Nellie from Indianola, 79 and 66 years old, who rode a bus from Iowa to New Hampshire and took their winter vacations on my behalf. Iowa has given me so many opportunities and I will proudly continue to be its voice and its vote in Washington, D.C.

I have met so many people and learned so much these past months.

I have met Bob and Marie Millikian, who through no fault of their own lost their jobs and face foreclosure on their home, but who want to work and believe they will.

I have met Tom Trantham, who has been farming all his life, and is facing tough times, but says all he needs is a little better prices for his milk and cows, and he'll bounce back.

I have met Marian Kestler, who has a degree in education and uses a wheelchair, but will not let her disability keep her from finding a job teaching the children she loves.

I have met a 53-year-old man standing in an unemployment line who said he just wants to be retrained, so he can find a job and take care of his family.

I have met people in citiss and towns all over this country who have been left out the past twelve years, but they have not given up. They have been pushed down, but they haven't been beaten and they haven't given up hope.

That's the American spirit. And that's what my campaign has been all about—providing the opportunity to unleash that spirit and make their dreams a reality.

My campaign has been about keeping the progressive agenda alive in our party.

We always knew this would not be easy. That the forces of reaction are dug in deeply. That is why our candidacy has not been timid.

And as always happens when you stay committed to your ideals, we have in this primary helped shape the vision of our party, and of the others in this campaign.

Let's take some pride. Together, we have done that. You have done that.

The next eight months pits the Democratic Party with its message of equity and opportunity against George Bush and his message of politics as usual.

At stake will be America's commitment to decent jobs and housing and health care and to education and a clean environment, to civil rights and civil liberties, and the preservation of a woman's right to choose.

At stake will be our children's future, our leadership in the world community, and the good will in which we hold each other, regardless of race or color or creed.

In this, the pursuit of a more fair and just and wise America, we will persevere.

The best chapters in America's history are yet to be written. With our values and with our principles as Democrats, and the grand and glorious history of our party behind us, and a vision for an America growing together and working together with hope and confidence and unity, we can defeat George Bush, win the presidency, and Build A New America.

Thank you and may God Bless You.

Mr. WELLSTONE. Mr. President, TOM gave a really eloquent and powerful speech—although I do not really like the word "speech" because sometimes speech means just words—where he talked about what brought him to public service, what the Presidential race was all about. He started off saying "For all of us who are called to public service, there are people and places that serve as a source of special inspiration to them in their work. My special source of inspiration is my older brother, Frank, who is deaf."

He spoke at Gallaudet because he felt that this institution, Mr. President, was a real symbol for the very best in our country. He talked about education, and he talked about his commitment to people, and he talked about his commitment to his own State of Iowa which gave him, the son of a coal miner, the honor of serving in the U.S. Senate. And he talked about all that he hopes for the United States of America.

Mr. President, what I want to say today is that I was very proud to support Senator HARKIN, very proud that he was able to win the caucuses in my State of Minnesota. And the reason is that when I came here to the Senate, I met many fine people—both the occupant of the chair and I are fairly new to the Senate—many fine Senators.

But what attracted me to TOM HARKIN was that very early on, I saw him out here on the floor fighting for what he believed in. Senator TOM HARKIN introduced a transfer amendment very early on which said we should bring down the wall on the budget agreement, and we should devote some money from the military budget, still keeping a strong defense. I think he talked about research in Alzheimer's disease, early breast cancer detection, and a commitment to Head Start.

Mr. President, I suggest today, to use the old Yiddish proverb, that we are going to continue "to try and dance at two weddings at the same time," and we are going to try and talk about education, children, health care, and cleaning up the environment, and investing in our infrastructure, and private sector investment, and investment that will create jobs that people can count on, but not talk about where the resources are going to come from unless we begin to redefine national security.

I think historians are going to write back and say about Senator HARKIN from Iowa: Though he did not win the nomination and he withdrew from the race, he was prophetic, he was a strong voice. He was a visionary in what he had to say, which is, our country has to begin to invest in itself; our country has to begin to invest in its own people; our country needs to redefine national security and we have to do much better.

We have to do much better economically, and we have to do much better as a people. We cannot go forward divided by race and gender. We cannot go forward with the high levels of unemployment that I heard the Senator from Pennsylvania, the Senator from Iowa, and the Senator from Oklahoma speaking about. We cannot go forward when so many of our children and their mothers are now among the ranks of poor people.

Our country is a great country. I can say that as a first-generation American. And our country can be all that she can be. But we have so much work before us to do here in the Senate and the House, and I think TOM HARKIN made an enormous contribution to the United States of America during his campaign and I think he will make enormous contributions as a great Senator from the State of Iowa.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by Congress stood at $3,858,355,060,644.17 as of the close of business on Tuesday, March 17.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. So, when it comes to that dead cat of this enormous Federal deficit, it does not belong to the White House—whether it was Jimmy Carter, or Ronald Reagan, or Lyndon Johnson, or George Bush. The fault lies right here and in the House of Representatives where so many people never saw a bloated appropriations bill they did not love.

During the past fiscal year it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day of every week of the year.

So the question presents itself again, and I shall continue to present it: What would America be like today if there had been a Congress that had had the courage and the integrity to operate on a balanced budget?

At this political season where all sorts of outrageous comments are made and the liberal press delivers them en bloc to the American people, I think it is particularly interesting and particularly important that the American people know who the culprit is in this Federal debt. I repeat for the purpose of emphasis, no President of any party can spend a dime that has not been appropriated and authorized by the Congress of the United States.

I had a group of young people in my office just a few minutes ago. Among the comments, I asked if they would care to estimate the size of the national debt. One child was right on target, comparatively. She said, "My daddy told me it was over $3 trillion." I said, "He is close." Another child said, "I did not think it was over $200 billion."

But the word needs to go out to the American people that the folly continues until this very day in the U.S. Senate and in the Congress of the United States and the House of Representatives.

I have been reading into the RECORD for some time now on a daily basis the size of the Federal debt down to the penny. I must say to C–SPAN, I am impressed by the number of viewers C–SPAN has. I am not surprised because C–SPAN does not doctor anything. C–SPAN lets both sides have their say. It

is not filtered through the liberal screen of the major commercial television networks. The people who watch C–SPAN see it happening; they hear it happening. And there are a lot of people out across America land who have called or written and said: You cannot be serious. We do not owe that much, do we? And my answer to them, Mr. President, is, "Yes, we do. And I apologize for those who are responsible."

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Might I inquire of the Chair the orders we are operating under?

The PRESIDING OFFICER. We are in morning business until the hour of 1:30.

POWER BRAKES FOR TRAINS

Mr. BURNS. Mr. President, I want to go on record about the legislation passed last night as a supporter and cosponsor of Senator EXON's legislation requiring two-way end-of-train devices. The original bill includes a provision, which I supported, to require the Federal Railroad Administration [FRA] to revise the Department of Transportation's rules on power brakes, taking into consideration the need to require two-way end-of-train telemetry devices on cabooseless trains.

This amendment goes further, however. I want to commend Senator EXON and his staff for working out the compromise between the two various parties.

Mr. President, the amendment tells the Secretary not only to conduct a review, but to actually revise the rules to require two-way end-of-train devices or devices to perform the same function. It gives railroads enough time to phase in those devices to ensure we are not causing an economic hardship on our railroads, to keep the cost of transportation down a little bit. It also allows certain exclusions for the same purpose.

Overall, however, it meets the requirements of railroad engineers who are interested in making sure that the trains operate and run in the safest manner possible.

These two-way end-of-train devices make it possible for the engineer of a cabooseless train to apply emergency braking action at the end of the train. My interest in this issue stems from an incident that happened in February 1989, an accident near Helena. That accident might have been prevented had these devices been on the trains at that time.

As a result of that accident, Montana became the first State to enact a law requiring use of two-way end-of-train devices whenever a train operates without a caboose in mountain-grade territory.

This is an important safety issue and I am glad to see the Senate addressing it at this time. I am concerned and will continue to be concerned about the men and women of the railroad industry and let them know we are on their side, especially in issues of safety.

Places like Helena, MT, can be assured that Congress is acting in such a way to prevent another runaway train accident causing them to evacuate their homes during subzero weather in the State of Montana.

So I am very happy this was accepted by the Senate last night, and I applaud the Senate for doing so.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1991—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The Chair states that the pending question is the conference on H.R. 3371.

Mr. BIDEN. Mr. President, we are now back on the so-called crime bill. We have been trying now since October to get a vote on the omnibus crime bill, which is at the desk. Put in normal, everyday language, the U.S. Senate voted last year for a very tough, expansive, and broad anticrime piece of legislation.

It is a very, very extensive piece of legislation. It is the strongest crime bill ever to come to this point in the legislative process. And now, Mr. President, we are just one step short of this massive crime bill being placed on the desk of the President of the United States.

Mr. President, I think everyone would admit in this Chamber that there are a majority of U.S. Senators who are for the crime bill that we are being prevented by our Republican colleagues from having a chance to vote on. Over 50 Members of the U.S. Senate want the crime bill conference report, which I will refer to from this point on as "the crime bill," for purposes of clarity. There are a majority of U.S. Senators, along with a majority of the Members of the House of Representatives down the hall—the House Members having already voted for the crime bill at the desk—who want the crime bill to become law, who want the President to sign the crime bill, who want the President to get a chance to either sign or veto the crime bill. But for months now, months and months, our Republican colleagues, who are fully within their rights under the Senate rules, have been filibustering. They have said that the Senate should not be allowed to work its will and Senators should not be able to pass by a mere majority—by which we pass everything else out of here—a crime bill. They have said—which is their right under the rules—and they have said it in the past—let us see, November, December, January, February, 4½ months, they have said, "No. In order to be able to even vote on the crime bill, you must first produce, Biden, 60 votes—not 50, but 60."

Again, I do not question their motivation, nor do I in any way suggest that they are not fully within their rights under the rules and precedents of the U.S. Senate. But we should call it for what it is. This is a filibuster. This is an attempt, under the rules, to keep the majority will from prevailing here in the U.S. Senate.

Last week, I explained that a vote to allow us to proceed to vote—again, I want to make sure everyone understands this. The vote we are going to take in the next couple of hours is merely a vote to determine whether or not we get a right to vote. And they are saying to us, "In order to be able to get a right to vote on whether you like this crime bill, you have to produce 60 Senators. You have to get 60 votes, Biden, before we are going to give you the right to decide whether you get to vote on whether you like the crime bill," which is one step, roughly 5 votes away from becoming law. If they let us vote on it right now, it is only one step away from becoming law: the President of the United States. Because we have more than 50 Senators who say they like what the House voted on, what we worked on for a year to get. Something I might add, that my Republican friends, again within their rights, delayed and delayed and delayed last year.

It is amazing how much easier it is in the legislative body to prevent something from happening than to allow something to happen. How much easier it is to prevent the majority will from prevailing than it is for the majority will be prevail, unless there is a supermajority. And everything else we vote on in this place, if we decide whether or not we want to provide for aid to the Soviet Union, provide for aid to education, provide for doing away with certain rules and regulations, whatever it is, we come in here and say we need 51 votes and we vote. But, as we all know, again, to make the record clear, the rules of the U.S. Senate say that if

a minority of Members of the Senate want to prevent us from being able to vote on something, they can do so, and they can do so by saying, "Hey, we are going to filibuster."

We have an option, those of us who are in the majority on an issue, and we can say, "All right, we are going to stop you from filibustering to allow us to vote. Let us stop talking and vote." But what we have to do, in this case what I had to do is file a cloture petition. What that means is that I have to file a piece of paper with a certain number of signatures at the desk saying that we are going to stop the talking and start the voting, except for one little thing; I do not need 51 votes for that. I need 60 votes for that. You do not have to be a mathematician to figure out that it is a lot harder in a legislative body with two parties to get 60 votes than it is to get 50 votes.

So, for the past months, my friends on the Republican side, because they do not have a majority of the House or the Senate who agree with their position, and because they disagree with the majority position, have been, and I say this with admiration, extremely effective in preventing us from being able to vote on a crime bill. I hear my friends on both sides of the aisle talk about crime.

And I hear the President on occasion, although not much these days, but I hear the President on occasion talk about the streets being unsafe. We were in an executive committee meeting this morning, which is a fancy way of saying we were voting this morning in the Judiciary Committee, Mr. President, and one of my colleagues whom I was sitting next to said, "You see that young person leaning against the marble pillar in the caucus room?" That is where we had our conference.

I said, "Yes." That young person is an intern in my office who came to Washington full of zest and a feeling of excitement, like these young pages here, and others who come to work in this great building; and came from a Midwestern State in a relatively large town from a Midwestern State; arrived here; and 1 month after arriving here, was beaten, mugged and beaten and robbed, right up here on this venerable Capitol Hill.

Tourists are here. I suspect they were told before they came, "Be careful where you walk at night here in your Nation's Capitol." I expect back in their home States, they hope that their mother does not go shopping at the local Acme or Super Fresh—or whatever grocery store is in the neighborhood—after she comes home from work, after dark, because they are afraid she will not make it from the grocery store to the trunk of her car to put the groceries in.

I imagine there are people here witnessing this discussion in the Nation's Capitol who know someone who has been brutalized; been victimized. And I hear constantly about the desire to do something about it.

I met with the police yesterday, and I have been meeting with them for some time now. The vast majority of the police organizations in America say we badly need that crime bill; we badly need it.

The District Attorneys Association says they do not like the crime bill because they do not like one feature in it out of 484 pages' worth. They do not think the restriction on habeas corpus goes far enough, which is their prerogative. I respect that. A lot of people agree with them and a lot disagree.

But they say kill the whole bill. Let it all go down because we did not get exactly what we wanted on habeas corpus. I wonder how many well-informed citizens listening to this discussion, and I mean that sincerely; well-informed, know about habeas corpus. Most lawyers could not tell you the intricacies of the debate that takes place on the changes in habeas corpus; the differences between what that bill at our desk holds in it and what my Republican friends and the DA's, some of them, say they want.

But that is the bone of contention. So the only law-enforcement-related people that I am aware of that do not support the bill as is are some of the DA's in the DA's Association.

Now, again, I respect their point of view. But it seems to me that it is the police who are the people out in the street; the police who are getting killed; the police who are responding to incidents where people are killed. I might point out this past year, under this administration, over 24,000 Americans have been murdered. If I am not mistaken, I think the number of felonies reported last year were roughly 5.2 million.

And we have a bill that if they just let us vote on, we could pass today and the President could sign today, that does some of the following:

It provides for—authorizes, when they use the fancy term; we promise to come up with the money—$3 billion for law enforcement. It provides the Brady bill, not a very radical piece of legislation unless you listen to the NRA. It simply says we do not want convicted felons to be able to walk into gun stores and buy guns. It does not call for registration of firearms; it does not take anybody's shotgun away; it does not stop hunting; it does not even keep you from buying a street sweeper to go out and shoot deer in the woods. It does not do any of those things, including those that are reasonable.

All it says is when you come to buy a handgun, the dealer has to say to you: Look, we have a system in our State, like Delaware; we have an automatic check. Let me take your name and your identification and run it through this little computer and find out whether you are a convicted felon. If you are a convicted felon, I cannot sell you a gun. And if we do not have a computer system in our State, which most do not, because criminal records are inadequately kept, give us 5 days to check you out with the local police. That is all we are asking.

Unless you have a real urgency for that gun, I do not know how many people have that urgency; I mean it sincerely. You may be off to a shooting competition and you have lost your handgun. It could create a hardship for you, possibly. Maybe you are in a position where you have some legal requirement. Maybe you feel threatened; you very legitimately feel threatened.

That does not work. The only people it seems to me you are going to inconvenience is the man or woman who comes in and says: I want to buy this handgun because I want to knock off that drug store. They may need the gun right away. Or: By the way, I am having a fight with my husband or wife, and I want to go home and shoot my spouse. We could inconvenience them, that is true, by saying you have to wait 5 days if we do not have a computer set up to find out if you are a felon.

Oh, it is true, we could inconvenience, up to that point, law-abiding citizens who do not have a criminal record if your State does not have fully computerized criminal records, for up to 5 days. But think of the kind of inconvenience we are going to cause. The kind of inconvenience we would cause may be the kind we want to cause. That is, the guy walks in and is on drugs and decides he wants to hold up the local grocery store, but needs a handgun.

I might also add, by the way, that 82 percent—notwithstanding what the NRA says—according to the polling data, 82 percent of the law-abiding gunowners in America, people who presently own guns, 82 percent of them say this is a good idea. It is not my number; I did not make that up. That is the national polling data: 82 percent of the gun owners say, "I do not mind having to wait to buy a handgun if my State does not have a computerized system."

I might add, by the way, we put a system like this in Delaware, a mandatory check, and guess what? The first couple of months that we did that, there were 1,086 people who came in to buy a handgun and the gun dealer, doing the lawful thing, said, "We have to check you out." And guess what?

One in ten of the people who came in to buy a handgun was a convicted felon or not allowed to purchase a handgun for some other reason. They checked it out. And lo and behold, it was illegal for 1 out of 10 of the people who tried to buy a handgun in the State of Delaware to buy that gun.

Now, no one ever said any of these convicted felons were going to win the

Nobel Prize for science. They became convicted felons in no small part because they are pretty stupid. So this notion that this will not stop felons from getting guns, my own State experience belies that. These folks actually walk in, give an identification, and say, "I want to buy a gun." The only thing they do not say is, "By the way, I am a convicted felon."

So, what does this bill have in it? Something the police agencies—and I have never heard anybody really talk about the police being wimps, whacko's, do-gooders. These are not phrases you often associate with the police. These are hard, tough guys. These are tough guys and tough women who put their lives on the line.

And guess what they want more than anything else that we could give them for their own safety's sake. They say they want the Brady bill. That is what they say, that they want the Brady bill. It is in that legislation sitting at the desk, one small vote away from being sent to the President of the United States if we were allowed to vote, if 51 Senators could work their will.

That bill at the desk also has, to the chagrin of some—when I wrote the original bill I was roundly criticized for including it, but I happen to support it. It has the death penalty in it. It provides for the possibility of death for 53 criminal offenses. There are 53 crimes that, if you commit under that bill and a jury finds you guilty, you can be put to death.

It also has in that bill a vote for the Police Corps. We need more and increasingly educated and sophisticated police agencies in America. So, after debate in the Senate, debate in the House, in compromising between the House and the Senate, we came up with the provision in that bill that says the following: If a person graduating from college will commit to give time working for a police agency after graduating, they can get help paying for their education. And, further, if you are already a police officer right now, you can get help, financial aid, to go on to college while you are a police officer.

We need continued, increasing sophistication, which has been what has happened with the police steadily over the past 20 years. I think police really get a bum rap. You turn on the television, and what you mostly see are the abuses, and abuses do occur. They occur in every single profession. You need only look at the recent abuses on Capitol Hill that are being screamed across every headline in America—with good reason.

And there are abuses within the police agencies. But these are women and men who, in fact, dedicate their lives, not unlike ministers and priests and rabbis dedicate their lives. They dedicate their lives not for the salary they make, because, Lord knows, the salary can barely take care of a family. They dedicate their lives because they truly have a commitment to their fellow man, and they have gotten better and better and better and better against tougher and tougher and tougher and tougher odds every single year. And we have to continue to equip them not only with physical equipment, but with the increased educational background and capacity that comes from being better educated for our own safety's sake.

That is in this bill.

In this bill is a new rural initiative to help fight crime. By that I mean most people, and some of the people here today visiting from other parts of the country, will tell you that drug abuse and crime in their rural communities is increasing. As a matter of fact, statistically it is increasing at a faster rate than it is in center cities in great metropolitan areas, but there is a big distinction. In rural America, because of the small budgets of the small towns, you have incredibly small police forces, police forces of one sometimes, moving against very sophisticated operations.

Methamphetamines, ice, all these drugs that are the new wave of drugs that are polluting our children, polluting this country, where are these organized gangs going to produce them, to make them? They are going to rural Montana, Idaho, southern Delaware, rural Georgia. They are going with sophisticated operations into communities that have one police officer not trained—nor should he or she be expected to be—in the intricacies of drug trafficking, for example.

We provide in that bill for rural task forces, Federal, State, and local task forces, and that is a fancy way of saying what we provide for, Mr. President, is help for the one-, two-, three-, five-, seven-person police departments in these areas. And what we do is we set up task forces with Federal agents, a drug enforcement agent, an FBI agent, a State police person, and a local person from the town—task forces. We provide for that in this bill that is one step away from becoming law if we would just be allowed to vote on it by our Republican friends who talk so tough on crime but are blocking the crime bill.

That rural initiative provides $50 million in aid to State and local law enforcement directly in rural areas. It provides special training for rural law enforcement officers. That is, we take these rural law enforcement officers and give them access to training in places like Glynco, GA, where we train the best people we have, the FBI people, the DEA people.

It seems to me the Federal Government has some responsibility when much of the crime being visited upon the communities of the people in this Chamber and the people in this Nation is not local in nature. The drug problem is not a Delaware problem, an Idaho problem, a South Carolina problem, a New York problem; it is a national and an international problem. And its functions are fungible. It crosses State borders in ways you would never think about. No single rural or metropolitan police agency can stop it. The Federal Government should be involved in helping those communities, not taking over local law enforcement, but in aiding them, particularly in rural areas, which are the forgotten parts of this country.

It is in that bill. It also has a plan to fight gang violence. There is a 10-year increase in the penalty for gang-related crime; $100 million for youth programs to prevent gang violence in the first place. Boys and girls clubs.

The one thing we know is that the Boys and Girls Clubs of America, where they have them there is less crime and drug abuse. We know that. That is not me guessing at it, they are the facts.

There are certain things we know that work. We can argue about why they work, but we know they work. And we provide that kind of help in that bill. We provide 10 boot camps. We call for using abandoned military facilities so we do not have to build more new prisons and bricks and mortar, and we say take 10 of them, space for 6,000 young offenders, and send them to boot camp. It is low cost; high yield. Teach them not only how to sleep behind bars, teach them some self-respect and discipline; self-respect that comes from discipline. It is in that bill sitting no more than 25 feet from where I stand.

I read with great interest in the Illinois primaries that took place last Tuesday, there was one fellow who won in a challenge against the incumbent Democrat, a challenging Democratic candidate. In his victory speech he had a big patch above his eye. I remember remarking to my wife, I said, I wonder what happened?

She said, oh, did you not read about it, that is the candidate that got shot in a drive-by shooting; not a political shooting by a Republican or Democrat, a drive-by shooting. The guy is out campaigning, somebody drives by in an automobile, fires a shot, and grazes his head.

What do we do about gangs? This administration has cut funding dealing with gang violence in America, the spawning ground for the Al Capones of the 1990's.

There is so much more in this bill which I will not take the Senate's time to go into. I also explained last week, and I reiterate it, every major law enforcement organization in this country that I am aware of, representing one-half million or more police officers, supports it. That is not counting the attorneys general. I do not call them police officers although, God bless them all—and I know the President

was a former attorney general, I have great respect for them—they have a significant responsibility in the criminal justice system. But they do not get called to walk into the three-story walkup at 2 in the morning to settle a disturbance. There are not many of them who are shot, nor should they be.

So, I respect their view that we should wait for the perfect bill. But they are not the half-million police officers out in the street who say—perfect? There is an old expression attributed by Voltaire to a wise Italian. I think it goes something like: "Better is the enemy of good."

The point being, if you wait for the perfect vehicle, a lot of good things will not be done.

Assume the attorneys general are correct. The police officer is saying: I need help. On habeas corpus, I agree with you, but it does not help me that much. I need help now. Everybody filing a habeas corpus petition is already behind bars, Senator BIDEN. They are not likely to shoot me on the street. But the person who is, is the kid I cannot reach because we are not doing anything about gang violence in America; it is the person I cannot reach because I do not have help in training my local law enforcement officers to deal with drug cartels in the region, Senator. The local bus stop is a jungle, where the woman who works until 8 at night in the office has to stand—I cannot help her, Senator, because I do not have money for lighting, patrol cars. The police officer is saying the danger is from the handgun that the 20-year-old, or 30-year-old person who walks in and purchases without a background check.

Do you not think that it is kind of ridiculous that in America we have metal detectors in high schools? I am, unfortunately, old enough to remember how revolutionary I thought it was when they put the first metal detector in an airport. My daughter is going to grow up—she is in fifth grade—thinking it is normal, if we keep going the way we are, to have to walk through a metal detector to go into math class; to have to walk through a metal detector to read Shelley or Byron; to have to go through a metal detector to go the girls' basketball game.

What has become of us? But my friend said there is no need to do anything about handguns in America, not even if it means telling felons that they cannot buy them.

Let me be more precise. They say tell felons they cannot buy them. But do not do anything to try to figure out whether or not the person buying the gun is a felon—second amendment.

I have been doing this a long time—not nearly as long as my distinguished colleague from South Carolina—not nearly as long as my distinguished colleague from South Carolina—but I cannot remember when I have been as depressed about the unwillingness of the President and a majority of his party to allow us to vote on a bill just because in the whole array of people, a total of roughly 47 attorneys general, a third of them Democrats and two-thirds Republicans, and the NRA, say they do not like it. God bless America.

When you stack the will of 47 attorneys general versus a half a million police officers—I have great respect for attorneys general, but—wow. When you stack the will of a half million police officers, 82 percent of the gun owners of America against the NRA, and the NRA wins and the attorneys general win, a whole bill goes down because, I guess, they get paper cuts from answering the habeas corpus petitions. Something is wrong. Something is wrong.

I also explained last week that the Fraternal Order of Police is calling this the toughest crime bill to emerge from Congress in recent memory. The police organizations have said bluntly, a vote against this conference report, a vote against cloture is a vote against police. What I want to emphasize today is that a vote for cloture is a vote for taking desperately needed action; for doing something rather than continuing to talk and talk about it.

I never presume to speak for the American public. A lot of people stand up on the floor—and they know more than I do—and they say the American public wants this and the American public wants that. I cannot say what they want for certain. But I know what I want as a member of the American public.

I am fed up with inaction. I think the American people are fed up with inaction. I think they are tired of hearing us throw around slogans about who is soft on crime and who is procriminal. You will hear my very distinguished friend from South Carolina call this conference report a procriminal bill, if he chooses to say what he said in the past. That comes as a great shock and revelation to a half million police officers who kind of thought they were anticriminal. A funny notion, they thought they were against the criminals and they are for this bill.

Since the filibuster began on this bill, Mr. President, I can report to the Senate that an additional 7,200 Americans have been murdered; since this filibuster started, since the Republicans decided not to let us have a crime bill in spite of the fact the House passed it and we have a majority of votes to pass it here, 7,200 Americans have been murdered.

Since my Republican friends started their filibuster, 31,400 women have been raped in America. Mr. President, since the filibuster has started, 558,500 Americans have been victimized by violent crime on the streets, in their offices, or in their homes; 558,500, over one-half million people since the filibuster has started.

Unlike some who may discuss this issue, I am not suggesting that had this bill passed, there would have been no additional murders; had this bill passed, there would be no additional rapes; had this bill passed already, there would be no additional violent crimes. That is not true. But, Mr. President, while the Republicans have refused to let us vote, evidence of the gravity of the situation is mounting to the tune of 7,200 murders, 31,400 women raped and 558,500 violent crimes. If that is not a call to arms instead of a call to talk, if that is not a call to action instead of a call to delay, if that is not a call to respond instead of a call to retreat, if that is not a call and a plea for help rather than a plea for politics as usual, I do not know what is.

And now what are we going to do if we do not have 60 votes, a supermajority, to allow us to vote? Theoretically, we can move on to another bill. And I can tell the Senate I will introduce another bill. I will introduce another crime bill. I will, once again, and he has always operated in good faith, sit down with my friend from South Carolina and agree to compromise in good faith on another bill. I will, once again, contact the President and the Attorney General and say, "OK, do you want to compromise on a bill?"

But, Mr. President, again, I have been here a long time, notwithstanding the good faith, and I mean this from the bottom of my heart—I do not doubt it for a second—notwithstanding the good faith and the willingness to compromise on the part of my good friend from South Carolina, the best we can hope for is months before we can pass through this body, pass by the gun lobby again. Keep in mind, Mr. President, how long it took just to get a bill out of this Chamber, sent to the House, voted on by the House and into conference to settle the differences. It took a year, Mr. President. The Senator from South Carolina and I worked on it, notwithstanding the view the people may have of Senators and Congresspersons, we worked on it hours and hours, and days and months. And now we are expected to believe that this bill before us, if we are not allowed to vote on it, that somehow in an election year—in an election year—with a President who appears to be scared to death of the right in his party, and Democratic candidates who have yet to talk very much about this issue at all—to be bipartisan in my criticism—that we are going to have another bill in a matter of weeks or months?

If it takes us just as long as it took us to deal with the filibuster that has been underway, there will be another 7,200 Americans murdered; 31,400 women raped; and 558,500 Americans brutalized by violent crime; if—if—we can move a crime bill faster than we

ever have; if, in this election year, we can get by the NRA; if 48 attorneys general demanding purity will get precisely what they want; if—if—there is any willingness in this town in an election year to deal squarely and in a bipartisan manner.

There was a movie, "Network," some years ago. There is a scene in the movie where there is this guy on television who was frustrated. He was going nuts, actually, and he said, At a certain time, 7 o'clock on Tuesday, I want everyone in America to raise their windows and say "I've had enough; I can't take anymore."

While we squabble over precisely the right amount of curtailment of habeas corpus petitions, while we squabble over whether or not we are offending the NRA by saying you have to wait 7 days—even when we give $100 million to the States to upgrade their computer systems so people will not have to wait 5 days so they can walk in and say, "I want to buy that gun," zip, punch in the computer, "No, you are not a felon; it is your gun."

I would not be surprised, Mr. President, if the American people, coupled with everything else that they are undergoing, figuratively speaking, on election day raise their windows and say, "I've had enough. I'm not going to take it anymore. All of you who are there should depart. Goodbye." I would not blame them.

Mr. President, people should not have to wait for a Republican filibuster conspired by the gun lobby and egged on by election year politics to get a crime bill. The public knows that some opponents of this bill really want no bill at all, and that if we try to start over again at this stage from any new proposal, whether it be a Republican proposal or a Democratic proposal, the odds are that there will be no bill.

Mr. President, that is a crying shame. And everybody in this body knows the truth of that statement, everybody in this Senate knows the truth of that statement.

Mr. President, just to show you how slowly things move along here, a couple years ago I came to this body, this Senate, and I said I have an idea on a crime bill. I said we really should help local police more. We really should help rural law enforcement more. We should really do much more. And the President said, "Well, if you do that, I'm going to veto the bill. If you include money for gangs in it, I'm going to veto the bill. If you include money in it"—go down the list.

I sat with my Republican colleagues, and I said "Are you sure we can't work something out?" And some of it we worked out.

They said, for example, if we increase the authorization level for State and local law enforcement to $1 billion, the Justice Department opposes these provisions. Not my words, Justice Department. That is what they said.

They also said title IX, what I am talking about, contains several authorizations for law enforcement agencies. "We oppose these provisions because they are not consistent with the budgetary request of the President." The Police Corps, they said "We do not believe that the Police Corps proposal can be justified." Local law enforcement scholarships, they said, "We recommend against enactment of the new scholarship program for in-service officers."

Bootcamps for State prisoners. "There is no justification for singling out this particular approach, much less requiring the Federal Government to establish and run directly bootcamp facilities for State prisoners."

Authorizing $600 million to construct 10 regional prisons and $100 million to operate such prisons for a year, "the Department of Justice opposes this proposal."

On youth violence and antigang proposals, "This provision would establish a new juvenile justice antigang grant program. 'We,' meaning the President, 'oppose this provision.'"

The list goes on—14 of these major things. I said, "Well, why can we not do these things?" I asked the Republicans to go along with these. Some they did, some they did not. I won on most of them, 12 of the 14 of them, in this body. We won. We passed that bill over there.

The President said he still did not like these provisions. He was against them. And then the filibuster starts on the bill, the filibuster.

Well, guess what, Mr. President? Last week, 10 days ago, 2 weeks ago, I walked on the floor of the Senate to find out, to my surprise, the Republicans "with the support of the President" want to introduce a new crime bill. And guess what? It has the 12 proposals.

The 12 proposals, they are now for them. They are now in the Republican crime bill.

Now, granted, I believe everyone is entitled to be redeemed. And when people end up agreeing with me, I guess I should not complain. I guess I should just welcome it and be happy.

But let us look at the pace of things, Mr. President. It took 2 years on some of these very specific items, it took about a year for other items, for us to get this far where they agree. What is it going to be the next time around?

Well, Mr. President, the public knows, I think, that what has happened here. It is a desire not to have any bill at all.

Let us just think in terms of common sense for a minute, just common sense. I wonder how many Americans would say, assuming they agreed with 99 percent of what is in this bill but disagreed with the provision on habeas corpus—now, again, habeas corpus is that provision in the law which says that someone who is already in jail, behind bars, locked up, unable to affect the public, can write out a petition, slip it through the bars, hand it to somebody to send to a court, and that petition says, "Hey, judge, I shouldn't be here for the following reasons," or "I need a new trial for the following reasons." That is what a habeas corpus petition is.

Now, the argument here is over how many times and under what circumstance a prisoner can slide a piece of paper through the bars.

Let us assume that the average American agreed with the position of the Senator from South Carolina, which basically says you cannot slip a paper through the bar at all. And I say you can only slip a paper through the bar once. Let us assume that was the basis of this argument, and that they agreed with my friend from South Carolina and not me.

Do you think the average American would say, "Well, you know what? On the basis of that one thing, I am going to do away with the other 400 pages of that bill. I am going to do away with the money for youth gangs; I am going to do away with the money for police officers; I am going to do away with the help for the waiting period for handguns; I am going to do away," on and on and on. Do you think that is what they would say? Or do you think they—and no wonder they wonder about us up here—might exercise common sense, a little bit of ingenuity and say, "You know what? We will take the bill up there that I agree with almost all of and then when that is finished I will introduce a new bill saying you cannot even slide the paper through the bars once, and we will fight that out."

Which do you think they would do? I have a feeling, even if they agreed with the mistaken position of my friend who believed that the habeas corpus provision in this bill is not the right one, I would think they would say, "All right, we are not going to wait for another 7,300 murders to get it perfect. We are not going to wait for another 31,400 rapes to start the process. We are not going to wait for another 558,500 violent crimes. We will go ahead and give the police all that ammunition that they need, and then we will come back and argue over the paper. Then we will argue whether or not a habeas petition could be filed once, or not at all, can be filed on a claim of innocence, evidence of innocence, or not at all, and so on." I kind of think that is what they would think.

Yet, we are supposed to believe that there is nothing political about this opposition. We are supposed to believe that the situation is such that these folks believe that the habeas corpus differences that we have are so profound that we should have no bill at all. Because there is not anyone in this Chamber, I believe, who could in good

faith tell you, look you in the eye, and say, if this conference report does not get a chance to be voted on that there is any chance for a crime bill to pass here in the next couple months. And if they are really honest with you they will look you in the eye and tell you the chance of it passing at all this year is nonexistent.

But let us give them the benefit of the doubt to think that we could pass, after it took us over a year to get to this point, a bill that was comprehensive, that we could pass one in the next couple months, or you might hear, "Well, you know what we could do; we could pass this Republican bill and come back and fight on gun control." You will hear that somewhere along the line, I suspect.

I kind of find that funny—do not you?—that the proposal I suspect will be made by someone, before this is over, to not let anybody get a chance a vote on this conference report; then let us bring up a Republican alternative that does not have the Brady bill in it. Then someone will stand up and say it should have the Brady bill in, and some who support the Republican bill will say, "Oh, oh, do not worry about that. Let us vote this out, and we can come back and fight the Brady bill later"—with the NRA opposed to the Brady bill.

Yet, when I say, and they acknowledge, that everything that bill has in it, the only genuine opposition to it comes on the debate—the esoteric debate—of the distinctions between the limitation placed on habeas corpus by the conference report and the limitation that they want placed on habeas corpus. They say "No, no, no; we cannot have any crime bill now until we get that just perfect. We cannot take that out of the mix and fight over that later." But we can take the Brady bill out and fight over that.

No one ever said consistency was the hallmark of this place or any legislative body or any debate. But it is interesting to note.

It seems to me, Mr. President, the public deserves more than a battle of slogans. There are things that are in this bill that we will vote on that I simply do not like, that were not in the original Biden bill, that I did not want. There are things in this bill, if they ever allowed us to vote on it, that I think should not be in the bill, that are different than the Biden bill, which is the vehicle from which we started off working.

But I am not standing here telling you I will not take it because it is not precisely what I want. The police women and men in this Nation are crying out for help, and they have said so. They have said a vote against this conference report is a vote against police agencies. And the attorneys general with whom I have spoken have said this is a good bill, but for habeas corpus.

It is a shame. This is a very tough crime bill and we are not being allowed to vote on it. We should act today, Mr. President. We should send the crime conference report to the President today, and by voting for cloture and stopping this Republican filibuster we can do just that. If we do not act, if we do not break this filibuster, we stand to lose a great deal, Mr. President.

First, we lose an important opportunity to pass the Brady bill. Second, Mr. President, the President has vowed to veto the Brady bill if it stands alone.

So it is a hollow gesture to suggest that we pass some other bill without the Brady bill, and then come back to the Brady bill and get it passed unless I misunderstand the President. And I would be delighted if it were to turn out that I am wrong on that point. The only crime package that the conference bill opponents will not filibuster is a package that does not include the Brady bill.

Second, if we fail to invoke cloture, we lose the chance for immediately implementing the number of important measures the Senate has consistently supported over a number of years. We lose our proposal for regional prisons and boot camps to house 10,000 prisoners, 3 times passed by the U.S. Senate. We lose the opportunity to create an effective new rural crime and drug program, a proposal passed twice by the U.S. Senate. We lose an opportunity to institute as soon as possible a whole host of new programs to stem the tide of youth violence, enhance community policing, implement drug testing, and punish drive-by shootings. We lose all that, Mr. President. If we do not invoke cloture, we lose an important opportunity to move forward with a tough bill, not backwards with a new, weaker, and in some respects dangerous bill.

The Republican alternative that is going to be proposed if this fails allows the administration to take money from hard-pressed States and local law enforcement to pay bills for Federal agencies. The Republican crime package we will hear about, although it has taken much of what is in the Democratic proposal, eliminates long-needed proposals for regional drug treatment.

The Republican crime package refuses to require drug testing for all Federal courts, authorizing testing on a much more limited basis, to spare judges the effort. The Republican crime package significantly impairs our proposal for rural crime by making one of its most important provisions, rural drug task forces, optional rather than mandatory, leaving the administration, which opposes the provision, free to ignore it.

The Republican crime package increases the amount of money for the bureaucrats who run the victims fund and, as a result, reduces the funds available for the victims themselves.

And, at the same time as the Republican crime package omits some important conference provisions, it includes proposals that the Senate voted down as excessive just months ago; proposals like the one that would have permitted police officers to get warrants only when they believe in good faith they need one; or to put it another way, to be able to violate your fourth amendment rights without a warrant and say, "By the way, I did it in good faith, so therefore it is OK." We debated and rejected that idea last year in a bipartisan vote, 54 to 43. But it has resurfaced once again.

Do not let the rhetoric fool you, Mr. President. The conference bill is much better by a long, long shot. That is why the police groups support the conference bill. As for those who keep offering their slogans about a procriminal bill, I think Dewey Stokes, president of the Fraternal Order of Police, put it best when he said last week:

> To say what some have done to the conference report is either a step backward or soft on criminals is prima facie ridiculous to anyone who actually bothers to read the legislation.

Let us vote for cloture, Mr. President, on this conference report. That is what the public needs and what the police want. We are all but a few votes away from doing something of significance, rather than just talking about what we want to do in the future.

We can act now, we can allow the Senate to vote, and we can find out whether there are over 50 Senators in this body who like that conference report, which is the last step on the way to the President's desk; or we can let a minority in this Chamber prevent us from voting, and we can start the process all over again.

So much of my public life—19 years in the Senate—has been committed to making the criminal justice system work better and helping the police more. So as discouraged as I will be if we fail, I will start again, Mr. President. I will start again, and I will sit with my Republican friends to see if they really want a bill; and even if they want a bill, I will try to see if the President wants a bill, which I find no evidence of today. If they do, I will do everything in my power to assist in getting a crime bill.

No one should kid themselves, Mr. President; the police are right: A vote against this conference report—and voting to not allow us to vote is the same thing—a vote against cloture is a vote against the police of this Nation, and a vote for delaying action on attempting to stem the 24,000 murders and tens of thousands of rapes and hundreds of thousands of violent crimes that occur in this country.

I thank my colleagues, and I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the partisan conference reports to H.R. 3371, the crime bill, is not going to pass the Senate. Virtually every Member of the Senate knows this. Supporters of this measure are criticizing those of us who opposed this bill for not permitting it to pass. Yet, if this bill were truly a tough crime bill, it would pass by an overwhelming majority—the Senate would not be divided along party lines.

I have heard much partisan rhetoric accusing Republicans of playing political games with the crime bill. This is not the case. I have listened, repeatedly, to Members on the other side of the aisle accuse Republicans of playing politics. All the while, Republicans have simply discussed the substantive differences between our bills. Our arguments for opposing the conference report cannot be refuted on substance, so we are accused of playing politics. I might note that I have not questioned whether the majority is playing politics and may be trying to embarrass President Bush.

Our Nation's crime problem is far too serious a problem for the Senate to turn the crime bill into a political issue. We want a bill, not an issue. The American people do not care who is to blame for producing this weak conference report, they just want a tough bill. Opposition to this weak bill, which expands the rights of criminals—I repeat, expands the rights of criminals—must continue if Congress is to ever pass a true crime bill that President Bush can sign into law.

Supporters of this conference report argue that since this report has been supported by law enforcement, it cannot be a bad bill. What they fail to mention is that law enforcement groups also support the provisions contained in the tough crime bill I introduced on March 3 with 29 cosponsors. Law enforcement groups support both bills. Additionally, prosecutors, victims, State attorneys general all oppose their bill. They support the bill that I have introduced. How do the supporters of the conference report respond to the genuine concerns of prosecutors? Some have chosen to question the role, dedication and commitment of prosecutors and attorneys general. Statements like, "The only risk district attorneys take each day is the danger of a paper cut" belittle and demean the prosecutors. They are hardworking public servants who have dedicated their lives to putting criminals behind bars.

Mr. President, law enforcement officers are in dire need of assistance and their interests are critical. Our Nation's policemen and women are truly dedicated professionals who do a great job with, all too often, inadequate resources. Nevertheless, law enforcement officers do not comprise the entire criminal justice system. Victims' advocates, judges, and other court officials, prosecutors, prison officials and many others play key roles in our effort to fight crime. Our Nation's prosecutors and attorneys general are the people who bear the responsibility of convicting the violent criminals so that they can be put in prison and kept there. They are the one's who will have to surmount the tremendous and unproductive legal burden placed on them if this conference report becomes law. Prosecutors and attorneys general are the ones who strive, year after year, to see to it that legally imposed death sentences are carried out. Their opposition to this bill is ardent and their concerns must not be dismissed out of hand.

I might say that the responsibility of the policemen is to catch the criminals but it is the responsibility of the prosecutors to convict them and the prosecutors say this is not the bill to convict them.

Mr. President, many of the supporters of this conference report have stated that we oppose this report because it contains the Senate-passed Brady language. Yet, a fact that seems to have been missed by my colleagues is that, while I am the Senator leading this opposition, I am also one of the Senators who voted in favor of the Senate passed Brady provision. The notion that I would oppose a bill simply because it contains this provision is wrong. In fact, the Senate passed its crime bill, which included the Brady provision, by an overwhelming vote of 71 to 26. The truth is, this conference report is not going to pass because it is a fraud. This conference report is a sham. Long after all of the additional money authorized by this bill runs out—if it is ever appropriated, which is unlikely—the procriminal provisions contained in this bill will still be on the books. As a result, more criminals will walk free, more violent offenders will have their convictions set aside on mere technicalities, and more victims will be outraged.

In closing, the Senate must not permit this bill to pass. Any proposal to permit a partisan vote on this measure should be rejected because it would prove to be a bad deal for victims, law enforcement, and the other good people of America. If this bill were to pass, the safest people in America would not be our Nation's honest citizens or law enforcement officials. The safest people would be those living on death row.

The advocates of this liberal bill argue that they are supporting a tough crime bill. They claim to be spending more money on law enforcement. Yet, the tough crime bill, S. 2305 has equal funding for law enforcement and it contains true, tough reform proposals. It is time for Congress to stop playing politics with the crime bill. While some of our colleagues continue to push for passage of the weak conference report, criminals are being set free on technicalities, murder victims' families continue to suffer, and the American people wait for a true anticrime bill.

I urge my colleagues to vote against cloture on the conference report.

Mr. President, the Attorney General of the United States has made a statement on this bill. What does he say? I have his statement here, signed by William P. Barr, the Attorney General. I will not read it all, just the last paragraph. In sum, he says:

> The conferees have let down law enforcement, let down victims, and let down those in Congress who voted for tough anticrime measures.

Who is it that made that statement? The Attorney General of the United States. And then he says: "If this bill comes to the President's desk I will urge him to veto it."

And, Mr. President, I have a letter signed by President Bush here. What does he say about it? Surely, we can trust the President of the United States, elected by all the people. He has been in favor of a tougher crime bill for several years. Here is what he says: "If this bill"—speaking about this conference report—"is presented to me, I will veto it and insist the Congress pass a crime bill that will strengthen"—I repeat, strengthen—"our criminal justice system." That is what he wrote.

Mr. President, I have a statement here by the 31 State attorneys general of our Nation, and, Mr. President, since the Presiding Officer is from North Carolina, the letter includes the attorney general of North Carolina: "As the chief legal law enforcement officers of our States, we are writing"—and, by the way, this is not partisan. Of the 31 attorneys general, 15 are Democrats, 16 are Republicans, practically equally divided.

> As the chief legal law enforcement officers of our States, we are writing to express our alarm at the habeas corpus provisions contained in H.R. 3371 as it was passed by the U.S. House of Representatives and urge you to veto any legislation containing those provisions.

This is a letter they wrote to the President of the United States.

> We need legislation that will support law enforcement, promote finality of judgment, and ensure fairness to crime victims and their survivors. In spite of that need, a bare majority of the House of Representatives has passed habeas corpus provisions that will have the opposite effect. Those provisions are so inimical to law enforcement, are so unfair, and would have such a devastating effect on the interested victims and survivors of violent crimes that we urge you to veto any so-called anticrime bill containing any of the principal provisions relating to habeas corpus that are now found in H.R. 3371.

I repeat, this is a letter written by these attorneys general of the States of our Nation. They are not connected with the Federal Government. They are attorneys general of the States, and this letter was written to the President.

They go on to state—I will not read it all; it would take too long. I will skip over and read one last paragraph here.

Nothing in here is favorable to any interest other than convicts' interests. Any bill containing the provisions discussed above cannot be described accurately as an anticrime bill, but would instead be a procriminal bill, and particularly a convicted murderer bill.

That is what the attorneys general of the States say. It says this is not an anticrime bill; it is a procriminal bill. Why would the attorneys general of the States say that if they did not believe it? They are the chief law enforcement officers in the States.

"We do wholeheartedly support the habeas corpus provision contained in title X," and so forth. "Those provisions, unlike the ones contained in H.R. 3171, would promote finality, fairness, and prompt resolution of litigation."

Mr. President, attorneys generals—I say, it is signed by 31 attorneys general, and here is where they are from. If any Senator wants to see the list, it is available: Attorney general of California, attorney general of Mississippi, attorney general of Nebraska, attorney general of Kansas, attorney general of Montana, attorney general of Pennsylvania, attorney general of Arizona, attorney general of Alaska, attorney general of Guam, attorney general of Wyoming, attorney general of Indiana, attorney general of Virginia, attorney general of New Jersey, attorney general of New Hampshire, attorney general of Oregon, attorney general of Colorado, attorney general of Nevada, attorney general of Alabama, attorney general of Washington State, attorney general of South Dakota, attorney general of Vermont, attorney general of Georgia, attorney general of Idaho, attorney general of Connecticut, attorney general-elect of Louisiana, attorney general of West Virginia, attorney general of North Carolina, attorney general of Maryland, attorney general of South Carolina, attorney general of Delaware, and attorney general of Texas. Furthermore, the National Association of Attorneys General overwhelmingly passed a resolution opposing any bill containing this provision.

Mr. President, how can anyone say that these attorneys general do not know what they are talking about? They are responsible for law enforcement in their States and they are concerned about this crime bill, which they say is a procriminal bill and not an anticrime bill.

Now, we have another group. The National District Attorneys Association. They represent the prosecutors of this Nation. What do they say? Let me read you this short letter, one page.

The American people have been mugged again, this time by the leadership of the United States Congress. The Nation's prosecutors strongly oppose the so-called crime control bill approved in Sunday's conference—

And that is the bill we are talking about—

and urge both House and Senate to reject it. This bill does far more to advance the interest of convicted criminals than it does to protect victims and law-abiding citizens.

Who is saying that? The district attorneys who prosecute crimes. What do they say? They say it does far more to advance the interest of convicted criminals than it does to promote victims and law-abiding citizens, to protect victims. Their letter goes on to say, "In fact, passage of this bill is tantamount to handing the jailhouse keys to thousands of convicted State and Federal prisoners." That is what they say.

The bill advances the rights of convicted criminals by providing golden opportunities for them to use new case law to overturn old convictions. This is accomplished through the repeal of several Supreme Court precedents and the habeas corpus provision approved by the conference. It also provides unworkable counsel standards in death penalty cases that violate the most basic tenets of federalism. The conference committee, in nearly every instance, chose the weakest provisions with respect to law enforcement. It rejected the House limitations on application of exclusionary rule. It overturns the Supreme Court decision in Arizona versus Fluminante through a provision that may have far-reaching effects and which was not even the subject of hearings. Finally, the conference chose the weaker provisions on death penalty offenses and procedure.

And they wind up with this statement:

It is a sad day when the will of American people to enact tougher criminal laws is so completely thwarted. We urge you to reject this poor excuse for a crime control bill.

Who is this letter from? The National District Attorneys Association. Who is it directed to? Hon. GEORGE MITCHELL, the majority leader of the Senate and Hon. THOMAS FOLEY, the Speaker of the House of Representatives.

Mr. President, after all the terrible crimes are committed, I think sometimes we forget about the victims. Oh, there is a hue and cry when a man has been convicted of a crime; it is too bad, just so sad he has been convicted. What but the victims?

Let me just read you a letter I have here to the Honorable JOSEPH BIDEN, chairman of the Judiciary Committee in the Senate. This letter was written by Steven Baker. He says:

As a father of a murdered son, I am highly insulted and totally disagree with your allegations that habeas corpus reform is not important because it does not affect street crime. Have you totally forgotten about the victim's family who agonize on a daily basis with frustration and uncertainty? Have you also forgotten that the taxpayers are sick and tired of footing the bill for ludicrous delays for convicted killers? Robert Alton Harris murdered my son, Michael Baker, in July 1978. The trial was completed within 1 year. During the last 13 years—

Thirteen years after the defendant was convicted—

after Harris' conviction, our tax dollars have paid for the case to be before the U.S. Supreme Court four times and the 9th District Circuit an additional four times.

Here is a man who was convicted, and he took it to the Supreme Court of the United States four times. If we pass my bill, we will put an end to this. Here it has gone on for 13 years:

These ridiculous delays have caused great distress for our family. It is like an open wound that cannot heal. It seems impossible to me that you are unable to relate to the additional pain that the constant court battles cause innocent family members. On behalf of crime victims across the Nation, I ask you to pass and implement immediate habeas corpus reform.

That is from the father of a son that was killed.

I have plenty of letters from the families of murder victims. I am not going to read all of them. I have a whole bunch of them. I am just going to read an excerpt from two more.

Here is a letter addressed to Senator BIDEN, the distinguished chairman of our committee. This is signed by Coleen Cambell, and Gary Campbell, the mother and father of a murdered son. A copy of the letter was sent to me:

Those of us who have been victimized by crime were really distressed to hear your comments on the Senate floor concerning habeas corpus reform. Your allegation that this issue is not important because it does not affect street crime is a slap in the face to crime victims across the United States. The simple fact is that you in the Congress are the only ones who can do anything about the endless appeals filed by those who have been convicted of the most heinous criminal acts. This game of legal manipulation makes a tragedy a seemingly endless process that prolongs our agony indefinitely. The language in the conference report of H.R. 3371 would only make matters worse.

And that is this bill that the distinguished chairman of the committee now in trying to get the Senate to approve, this very bill:

Habeas corpus reform is the premier victims' issue. Your failure to acknowledge this and your support for legislation which would be a step backwards for victims is a grave disappointment to all of us.

Mr. President, I will just read one paragraph from another letter here. Citizens for Law and Order, addressed to the distinguished chairman of the Judiciary Committee. This is signed by James A. Collins, eastern regional director of this organization. Mr. Collins' daughter was brutally murdered several years ago. Her killer was sentenced to death and still sits on Tennessee's death row.

I wish to register my strong personal support and the support of the organization I represent, Citizens for Law and Order, for the administration's crime bill—

The administration's crime bill is the one I advocate—

which you are currently debating on the Senate floor. I and my organization oppose just as strongly the conference report crime bill.

That is the one the distinguished chairman of the committee is advocating, the conference report, which was passed by the House last November.

Mr. President, I am not going to take more time. I just want to say this: Do you want a strong crime bill or not? Do you want to pass a bill to deceive the American people? Do you want to pass a weak bill on the pretense you will pass a sufficient crime bill? If you do, pass this conference report.

If you want a true crime bill that will put these criminals behind bars and stop these long appeals, vote against cloture.

I had a similar case of undue delay in my State. A friend of mine was killed, John Turner. He worked for the Air Force in Charleston. He was a coin collector. A man from another State heard he was a coin collector and he went down there to rob him. In robbing him, he not only killed him, but three other people were killed and a woman was disfigured for life. He raped her before shooting her in the face with a shotgun. That man was tried and convicted in South Carolina and sentenced to the electric chair. But it was over 10 years, 10 long years, before he finally went to the chair because of the current law on habeas corpus.

And this bill, this conference report, does not remedy the problem. In fact, it makes it worse. If you want the law remedied, pass the crime bill that President Bush wants, pass the crime bill the Attorney General wants, pass the crime bill that the attorneys general of the States want, pass the crime bill that these prosecutors want who have to handle these cases, pass the crime bill that I have introduced. That is the crime bill. S. 2305 is a tough crime bill.

I say to the American people, this conference report will not do those things. There is no use, whether you are a Democrat or Republican, there is no use to pass a conference report that means nothing, that is a sham, that is a fraud on the American people.

Mr. President, I hope the Senate will think long and hard before they vote here. We cannot invoke cloture here so you will pass this conference report which expands the rights of criminals. We have to wait and pass the right crime bill or pass no crime bill at all, because this bill does worse than current law. It goes back to and reviews the sentence of people on death row now. There are thousands on death row now and this conference report will allow Federal courts to go back in and review those sentences and start a lot of them all over.

Mr. President, when we have a vote here, I hope the Members of this body will think about this matter. There is nothing more important in America today than passing a tough crime bill. The administration wants that done. I want it done. But the bill represented by that conference report does not do it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, we are evidently drawing close to the end of debate on this conference report. We will soon vote on a cloture motion which effectively would send to the President the bill which will be vetoed along—I reflect—with everything else which has been debated in the Senate during the course of this week.

I stand here asking the Senate not to invoke cloture, not to go through the fruitless and irresponsible action of sending this bill to the President's desk for that veto. And I do so only partly, most significantly, for substantive reasons relating to the content of this bill.

I do so equally importantly because of the distortion of the procedures of the Senate and, for that matter, of the other body, in connection with the way in which this bill arrived here for this debate, together with much, though not all, of the contents of the proposal.

This body seriously debated issues relating to crime and punishment during the course of last summer. I no longer remember precisely the length of time during which that debate took place, but I believe it was for more than 2 weeks. There were many votes. There were serious and important debates on many individual aspects of the bill and its relationship to the Constitution of the United States. I was certainly not on the prevailing side of every one of those votes by any stretch of the imagination. Nonetheless, I did support the ultimate product of this Senate.

While the debate on the floor of the House was not as extended, while there were not as many votes on individual elements of the bill, nevertheless, the treatment in the House of Representatives was similar. The two competing proposals then went to a conference committee for resolution of those differences. And, Mr. President, it is the resolution of such differences which is the function of a conference committee between the Senate and the House.

That conference committee never met to discuss the many differences between the two bills. A relatively small handful of Members of the majority party in both Houses met on a few occasions and wrote a bill which differs radically in many respects from what was debated in either the House or the Senate, provisions to which the House and Senate had agreed are absent from this bill. Subject matter is covered which was debated in either House, and where there were provisions in both versions on particular subjects, entirely new versions have been substituted for them.

Members of the minority party in both Houses did not see the result of this effort until 30 minutes to 1 hour before they were required to vote on it and send it to both Houses for action last fall and at the present time.

Mr. President, that is not an appropriate way of negotiating or arriving at a bill on any subject. It is particularly inappropriate when the subject is so important, as is crime and punishment and the Constitution of the United States. This bill has not been appropriately studied. This bill has not been properly debated.

I have the greatest respect for the distinguished chairman of the Judiciary Committee of the Senate who is defending this bill. He is eloquent. He was eloquent during the debate last year. Nevertheless, he has presented us with a bill that is the result of a flawed process and should not pass, should not be sent to the President of the United States even if it were a good bill.

Fortunately, Mr. President, it is the view of this Senator that the bill substantively is not worthy of being sent to the President either. That is not to say that it does not have many good and thoughtful and useful features. Those features, however, are outweighed by other features which make the bill little short of a fraud.

We have told the American people that the Federal Criminal Code will now include capital punishment for a fairly broad range of crimes. They are quite specific and, generally speaking, capital in nature. But what this bill gives with one hand, it takes away with the other. It is, for all practical purposes, impossible ever to reach a verdict under which capital punishment will be imposed by reason of the complications of the bill on that subject and the almost unlimited right toward endless appeals.

Second, while the Supreme Court of the United States has finally begun to move toward some finality with respect to criminal judgments, limiting in some modest respects the endless set of appeals through the use of the writ of habeas corpus, this proposal reverses or overturns a significant number of those Supreme Court decisions. It starts almost all capital punishment decisions—either in the Federal system or State system—on a new round of appeals and, again, attempts to repeal by implication what it dares not repeal expressly: The right of each State to decide certain crimes should be treated as capital crimes, the sentence for which should be capital punishment.

The proponents of the bill know perfectly well that neither the people of the United States nor a majority of the Members of this body would accept an

outright repeal of the right of capital punishment in this country, and so they do it in this bill by indirection.

In summary, Mr. President, because this proposal was arrived at in a faulty fashion, because it does not truly reflect the views of a majority of the Members of this Senate as they debated this issue last year, because it is misleading to the American people in stating that it desires to reach certain goals while making those goals impossible to reach, because it would complicate the criminal justice process, because it is primarily in the interest of criminal defendants and their lawyers, for all of these reasons this bill should be rejected, and the appropriate way in which to reject it is to refuse to invoke cloture on this conference report, to let it wait until such time as we can create a new conference, a new debate which will deal with these issues in an objective and constructive fashion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REID). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the conference report on H.R. 3371, the omnibus crime control bill.

Mr. GRAMM. Mr. President, I hope we can vote soon on cloture on this bill. I will vote not to invoke cloture. I would like to, before we cast that vote, remind my colleagues how we got here and what the issue is.

I think the choice is very clear. I think every Member of the Senate already knows how he or she is going to vote. But I would like to remind my colleagues that 1,001 days ago, the President asked Congress to adopt a comprehensive antidrug/anticrime bill; 1,001 days later, we have yet to act.

Three weeks ago, Senator THURMOND, Senator DOLE, I, and others, put together a new comprehensive crime bill that was made up of the strongest antidrug/anticrime provisions that had been adopted last year either by the Senate or by the House. And we were prepared at that point to offer that bill as an amendment to any bill that came before the Senate.

We agreed, because the President had set a time deadline for the adoption of the tax bill, not to bring this provision up last week. But we are prepared today, and will be in the future to offer this proposal.

The logic behind it is this: We want to adopt a bill. We want a tough antidrug/anticrime bill, and rather than going back to ground zero 1,001 days after the debate started, with the President sending a bill to the Congress, our proposal is to take the strongest provisions of the two bills, to offer that package as an amendment, and to begin debate with that bill.

Mr. President, what happened when we announced that we were going to do that is that the conference report on a crime bill that has already been rejected by the Attorney General, a bill that has already been rejected by the President, a bill that has been rejected by a bipartisan group of State attorneys general, has now been brought up, and we have before us a cloture vote which will occur hopefully today, maybe within minutes.

I would like to remind my colleagues of a few simple facts. First of all, last year in the Senate, we adopted a fairly strong crime bill. The House adopted a fairly strong crime bill. But what happened in the waning hours of the last session is that the strong provisions adopted in the Senate were dropped; the strong provisions adopted in the House were dropped.

And what we have before us, masquerading as a crime bill, is a hollow shell that overrides at least 20 Supreme Court decisions that have strengthened law enforcement, and that has dropped virtually every tough provision adopted by the House and Senate.

Let me just cite several of those provisions. In the Senate, we adopted a provision mandating 10 years in prison without parole or early release for selling drugs to a child. So no matter who a criminal's daddy is or how society has done him wrong, if he sells drugs to a child and he is prosecuted and convicted in the Federal system, under the provision adopted in the Senate, that criminal will go to prison for 10 years without parole on the first offense, and life imprisonment without parole on the second offense. Mr. President, that provision was adopted in the Senate. But, yet when senior members of the committee got together and wrote the bill, that provision was dropped.

We had a provision adopted in the Senate that said, if you are convicted three times for a violent crime or for a drug felony, you get mandatory life imprisonment without parole. That provision was adopted in the Senate. A similar provision was adopted in the House, and, yet, when this final bill was written, it was dropped.

The Senate adopted an amendment that provided 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony, 20 years for discharging that firearm with the intent to do bodily harm, and the death penalty in aggravated cases for killing somebody with a firearm, and in other cases no less than mandatory life imprisonment without release for killing somebody with a firearm. That provision was adopted here in the Senate. That provision is not in this final bill.

Mr. President, I could go on and on about tough provisions that were adopted in one form or another in one or both Houses of Congress but that did not find their way into this conference report.

The Attorney General and the President, I believe, are correct when they say that this is not a true anticrime bill. This is a bill that will overturn 20 Supreme Court decisions that have strengthened law enforcement, and this is a bill that will weaken law enforcement at the very time that our bleeding Nation is demanding that we take action. I believe it is absolutely imperative that we vote down this phony crime bill, and that we give the Senate an opportunity to pass a tough, anticrime bill.

Mr. President, I want to make one thing very clear. If we reject cloture on this bill so that this bill will fail—that is, the conference report before us; the sham crime bill, I will call it—if we reject cloture and this bill falls, the next bill that comes up, other than the tax bill on which we are on a deadline, you will have an amendment offered by the Senator from South Carolina, or by the Republican leader, or by me that will consist of the strongest anticrime provisions of both the House and the Senate crime bills that were adopted last year. We should do it once a week, until either the President signs a bill or until this Congress ends.

Second, if we invoke cloture on this bill, and if then the Senate adopts this conference report and sends it to the President, the President will veto this bill. We will then do exactly the same thing on the next bill that comes up for a vote. That is, we will offer a composite bill that takes the strongest provisions of the House crime bill, the strongest provisions of the Senate crime bill, offer them as a package and do that once a week, until we ultimately deal with what is without a doubt one of our Nation's most pressing problems.

So, basically, what we are doing here is we are wasting our time. We are wasting our time on a bill that is not a crime bill, a bill that is a phony sham bill that the President, the U.S. Attorney General, and a bipartisan group of 41 State attorneys general have said should be vetoed and should not be adopted, because it weakens law enforcement at the very time that we need law enforcement strengthened.

This conference report was brought up to try to prevent us from offering a real crime bill. And my message is very simple: We are not going to be denied on this issue. If we get cloture on the phony crime bill, we are going to offer the real anticrime bill. If we do not get cloture on the phony crime bill, we are going to offer the real anticrime bill.

So one way or another, we are going to address this issue, not once, but every week until, finally, a bill is adopted that the President can sign. I think the sooner we do it, the better off we will all be. We should get on with the task of adopting a real crime bill that is worthy of the name, that addresses the Nation's concerns about crime in the streets where people are being killed and injured and where we in Congress appear, 1,001 days after the President asked us to act, not to care. People all over the country are asking: Why does Congress not respond to the cry of the people? 1,001 days later, we have not responded. I think the time has come to act, and we are going to respond, no matter how long it takes, no matter how many efforts we have to prevent us.

I yield the floor.

The PRESIDING OFFICER. The Chair, acting in his capacity as a Senator from Connecticut, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, what is the parliamentary status at the moment?

The PRESIDING OFFICER. At present we are dealing with the conference report to H.R. 3371, the omnibus crime control bill.

Mr. SIMPSON. Mr. President, there is no time set then as yet for a vote on that measure?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. I would hope that we might proceed with the vote on the motion to invoke cloture as soon as possible. I know that the majority leader very much wanted to proceed with that early in the day, and I assure you those on our side of the aisle are ready to proceed with that. The moment that activity would take place, I would certainly defer to it, and we could get on with that vote. I think it is very important and that, of course, is why we are in this debate. I do urge the leaders on both sides to move forward, and I certainly can say that, from our side of the aisle, we are ready to proceed to that vote.

You have heard much about this bill, obviously. I served on the conference committee. It was an extraordinary event.

I have been on a lot of conference committees in my time in the U.S. Senate. This conference committee was called during halftime of the Redskin-Dallas Cowboy football game on Sunday, which is a dazzling time to hold a conference committee. We met, and it was all in good humor, because you could hear the engine of the steamroller on the outside of the building, and they just cranked it up and rolled it right over the top of the minority party in both Houses of Congress.

They majority picked the very worst of both bills, which is the most curious conference committee. I have never seen a conference committee take the worst of the House bill and the worst of the Senate bill and put it into a conference committee report. Some of us did not even sign it.

As I say, it was done in good humor, it was almost funny, and we all knew they were going to do it. The purpose of doing it that way was to keep the President of the United States from beating his brains out during the recess period, accusing them of doing nothing on a crime bill. It was terribly inappropriate.

I would say that our good chairman, Senator JOE BIDEN, was not, I think, thrilled by that process. But I can tell you the House majority party was quite thrilled by the process—they had the horses. They had the proxies and they used them with surgical precision.

Our leader at least visited with us. Senator THURMOND, our ranking member, and Chairman BIDEN worked very closely together. I think that that is proven in the legislation that comes from the Senate.

It was a good crime bill that left the Senate. It dealt honestly with habeas corpus. We dealt with the racial death penalty aspects. We did these things rationally. We came up with a portion that I did not particularly like, but the Senate gun bill provision is much better than anything else that was offered on that subject. That was the bill we sent out of here.

It was very unfortunate that it was simply torn to bits in 3 hours on a Sunday afternoon just because it was vital that we not leave a tool in the hands of the President of the United States that he could use to flail the Democrats on being soft on crime. Now we are told that the Republicans, these dastardly souls, are for crime in the streets, and that is what we are up to.

If we can clean up our act, we can get a crime bill. We could do that by not allowing cloture to take place on this bill, and then letting Chairman BIDEN and ranking member THURMOND get together and do a crime bill that can go into the pot, or we can sit here and go through this ping-pong game for many weeks to come to see who is soft on crime—who is a "mush head" on crime—and who loves crime.

I really do not think the American people are swallowing any kind of thing like: "The Democrats love crime", or that "the Republicans love crime." We saw a little of what happens in America in the last few days when incumbents just give the same old pitch—which is to go home and tell them that you "did in" the Democrats or that you went home and "did in" the Republicans. Meanwhile, we do not do much. We are going to have a lot of that rhetoric this year.

No one really believes the hysterical drivel that has been going on about the Republicans—moving about in their turgid, boneheaded manner, trying to dash the hopes of every citizen who wants to do anything about crime. Well, that is just—we have a name for that in my part of the country. So what we are trying to do is get a sensible bill with sensible habeas corpus reform.

Let me tell you what happened in the conference committee. A little bit of this will be somewhat technical, but at least the staff of the House knew what they were doing. They were very clever, very adroit, and somewhat arrogant as they pressed their cause through their Members. You should go talk to the Republicans on the minority there, HENRY HYDE and others, who were present. They can describe the absolute frivolousness of the majority attempts to make this committee report look like it is a bipartisan bill.

Let us take the one issue of habeas corpus. Only the Senate bill—and this was the work of Senator BIDEN and Senator THURMOND—only the Senate-passed bill, or the present Thurmond bill, contained measures which reduce unnecessary delay and repetitious litigation. The conference report weakens current law. That is a disservice to victims and to the public.

They went into court cases. This is how the House did their work on this. They said they were in favor of this, but they were surgical in reducing the impact of those same court cases.

The conference report overturned a case called Teague versus Lane. That is the pivotal decision regarding "new rules." That decision stated that a capital defendant, a convicted murderer, can only use a new rule of law as a basis for additional appeals if the new rule is handed down while he is in the State court appeals process, or if the new rule is of major precedential impact and would make some part of the defendant's conduct for which he was convicted no longer illegal.

In other words, we have the Teague case which says that a new rule can only be used if that rule would have a meaningful effect on the jury's determination of guilt and that it can only be used as a basis for appeal while in the State courts, unless the new rule would operate to—in a sense—legalize the defendant's conduct.

I will tell you what the conference committee report did to that little baby. Very subtly and very deftly, they eradicated the Teague rule.

First, the definition of "new rule" is changed to permit a wider range of cases upon which to base additional appeals.

Second, any new rule announced could be applied retroactively at any

point in the endless appeals in the Federal system, well after all the State courts have ruled.

Third, the only way a new rule would not be applied would be if a trial court or a State judge was able to read into the future somehow, predict what issues and rulings might come along, and then address those points in the court's ruling. That is like requiring the Congress to predict what will be the national spending priority in the year 2020—we already know that it will be magnificent—then requiring us to act on that prediction to ensure that the priority is met. So unless the lower court can predict all future rulings during the life of the coming appeal, the defendant could continually raise new rules in appeals under the provisions of the conference report. The conference report imposes a requirement on State judges that they be able to read the future.

Many of my colleagues in these last days have gone into great detail explaining how habeas corpus provisions in the conference report encouraged successive petitions. Senator HATCH and Senator SEYMOUR also explained how the so-called statute of limitations in the conference report actually increases the time allowed to file habeas corpus petitions.

I hope some will recall that over a year ago a special commission, chaired by former U.S. Supreme Court Justice Lewis Powell, reported their recommendations. Lewis Powell in my mind is one of the most extraordinary jurists we have ever had on the Supreme Court.

Justice Powell has an extraordinary mind, an enormous ability to communicate through the written word, and a superb sense of humor. He is a very vital citizen of this country, and very respected.

Many of the recommendations of his group found their way into the Senate crime bill under the auspices of Senator BIDEN and Senator THURMOND.

I also remind my colleagues that Justice Powell testified about the report in the 101st Congress before the Judiciary Committee. Justice Powell said sincerely that he opposed the death penalty in principle, but if such a law is on the books, it ought to be fairly and predictably enforced.

We did that in the Senate. We enacted a habeas corpus provision which reflected the recommendations of the able Justice Powell and the Powell Commission. And then, rather than engage in any honest or authentic debate on that provision, the committee report simply cast it aside in favor of the provision in this proposal—a provision that can only expand the opportunity for additional appeals and one that makes State court adjudication nothing more than another procedural hurdle to overcome before getting into the infinite loop of Federal appeals.

Like most of my colleagues, Mr. President—I do intend to conclude in a few moments—I have always paid rather close attention to my mail. I get a bale of it, 300 to 400 letters a day, from a small State like Wyoming. I can only imagine what those of you in the large urban States get. I know you read every word of it.

So, I would inform my colleagues that I, too, received a letter from the California State attorney general. I agree with the Senator from Utah who said 2 weeks ago on the floor, that it is a very good letter. I believe the occupant of the chair served with the present California State attorney general, Daniel Lungren. He said in closing—I think this is very important. He is a Republican. He said:

> The conference report may appear to streamline and reform the habeas corpus process. The measure is biased in favor of the convicted prisoner and contrary to the interests of victims and law enforcement.

And he went on to say—and this is very important and I hope we do not miss this—he went on to say that he is—

> also aware that Democratic prosecutors from around the country have previously written expressing their opposition to the conference report provisions. Party affiliations should have nothing to do with this debate.

I have recently received a copy sent by 15 Democrat State prosecutors, which Mr. Lungren refers to.

He was a marvelous member of the Judiciary Committee. It was because of his work in the middle of the night when they kept trashing us and trashing us and trashing us, that we got a bill, once, on crime.

This is what is said in the letter from these Democrats:

> It outlined the prosecutors' objections to the conference report. And these Democrats say it is hard to explain to our constituencies why our Democratic leaders in the Congress continually hamstring our efforts to combat crime.

That letter is signed by prosecutors from the States of California—from the cities of San Francisco and San Diego—Oklahoma, Tennessee, Massachusetts—from Boston and Brockton—Pennsylvania, Indiana, New York, Iowa, Texas—from Amarillo and Belton—and from Montana and Arizona. It is a letter from Democrat prosecutors saying: "What are they doing with the conference report?"

So I tell my colleagues what I think they already know: The conference report is not a crime bill. It is simply a money bill, and that is why we are all supposed to fall over on our head and pitch forward in legions to support it. It is also a criminal rights bill. It turns habeas corpus on its head and makes it ever more possible to continue this archaic, inappropriate, delaying process that comes from habeas corpus abuse. That is the real crime here.

I urge my colleagues to defeat this motion to invoke cloture and to insist that any criminal reform legislation that emerges from the Congress really does get tough on criminals.

There is a way to do that. Put the conference committee bill to bed, let it expire of its own corporeal weight and vacuity, and then we will sit down with the leaders of both parties, Senator BIDEN and Senator THURMOND, and we will present a bill to you that will be realistic. We will have a vote on habeas corpus. We will have a vote on the gun issue. The other things are pretty well in accord, just as they were before when we came out of here with a good Senate bill.

So I hope in the midst of all this, we will remember that this vote is key, it is the key vote to get us back to negotiation within the Senate. We do not need to go back to committee. We can do our work without that.

I think when we get a Senate bill that there will be a very different receptive body over here in the House now about crime bills. Those who participated last year in the exercise, I think, have a renewed vigor of attention as to what it is we should be doing with the crime bill.

Here we are in this District of Columbia. We have become simply jaded and almost unresponsive and insensitive to three, four, five murders a day. On a weekend you pick up the paper and there have been five more. Finally, people are saying to judges, "Do not let this fellow out on bail. He has terrorized the whole neighborhood." And then the courts let them out to continue their conduct.

I think there is going to have to be a whole new weighing of it in the District of Columbia. I hope they do not degenerate this debate just to gun control. They have the toughest, nastiest, meanest gun control laws in the United States in the District of Columbia and the crooks still haul hardware around here like you would not believe.

Let us get realistic. Let us do a crime bill. There are plenty of Republicans and Democrats ready to do a good crime bill, talk about things the public talks about. That is salting these people away, getting them out of society. Forget the issues of racism; forget the issues of rich versus poor.

I noticed that in the last few executions—one in Wyoming—the convicts were white. But charges of racism are the kind of thing that just boils up around here and prevents us from doing honest legislating. You use emotion, fear, guilt, or racism to mess it all up.

I did not hear anything said about the last string of five or six white people who were committed to death and were executed. No one is involved in discriminatory sentencing that in a conscious way. These charges did not get anywhere in the Senate when that measure came here before us last time, and it should not now.

The issue is if juries are made up of blacks and whites and reds and yellows

and they decide. That is the way it should be. The death penalty I think is very critically important. If it were invoked in this jurisdiction, I think we would see some remarkable progress toward the elimination, or at least the reduction, of hideous capital offenses where people just do it and know that not much is going to happen to them because the system is all ground up in habeas corpus; ground up in an unlimited amount of appeals; ground up in a judiciary that is overwhelmed.

There is money in there and that is great. And the Senate bill deserves your attention. The only way to get to it is to junk this conference report and move on. Let the leaders here in the Senate produce a bill that you will all be proud to support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise today to talk about the crime bill from a different angle than I have heard many speak about it. I would like to share a bit of realism so that there will be no misunderstanding out there among the American people, and in particular among the law enforcement people at the local level, who have been led to believe that if we pass this crime bill, and I am going to only address this issue, local law enforcement.

I see my friend arrived on the floor, Senator BIDEN, who has been speaking about this issue. I want to join in saying we should spend more for local law enforcement as part of the war on crime. But I also would like those who think we are going to spend more on local law enforcement if we adopt this bill to listen to the facts.

Mr. President, I am sure that the police chiefs across America, the sergeants who are running a part of a police department in Albuquerque, NM, or in Delaware, if they have been listening to the debate thus far, are saying if you only pass this bill, we are going to get more money for local law enforcement.

Well, listen carefully, all of those who think this bill is going to help. We do not need this bill for more money to go into local law enforcement. Would you believe that right now, without this bill, there is authorized, just as this bill would authorize, $900 million a year for local law enforcement, $900 million.

Guess how much we appropriated this year? The very same people who are saying we are going to give you more have appropriated $500 million.

Now, if we really want to spend more for local law enforcement, we do not need this bill. We can try to get another $400 to $200 million, whatever it is, which is already authorized, but we do not have enough money to pay for it.

The truth is, if you add up everything you call law enforcement, the war on crime, including the $500 million that goes into local law enforcement grants—and incidentally, that is what the President asked for; that is what the Congress gave—if the Congress wanted to put in more, as it is assumed they will if we pass this new bill, they had that privilege this year. They will have that privilege next year, even if this bill never passes, because we still have $400 million, if authorization is the issue. That is a statute that says the Senate can spend up to this amount. That is what authorizing means. And then along comes an appropriations bill, and it says we hereby spend an amount.

So I submit for those who are out there in the streets who need our help as law enforcement people, they do not need this bill. They need to send a message up here to those who control Congress that we ought to put more money into local law enforcement, because we already have the authority to do it. Why would we, all of a sudden, be born again next year and put more in local law enforcement because another bill passed saying you can put more in if you like, when we have not put it in in the past?

It is interesting, very interesting. On local law enforcement, the President asked for $½ billion, and Congress gave him $½ billion. Overall, for anyone who would care to see how dedicated Congress is to law enforcement, you might be interested in knowing that we, the Congress of the United States, cut the President's budget request for law enforcement by $472 million, a 64-percent cut in the increases sought by the President. One would never have gathered that in the discussions of the last few days.

What I am talking about is FBI, drug enforcement agency, immigration services, prisons, U.S. marshals, organized crime, drug enforcement, and another long litany of so-called war on drugs and war on crime already in place to be funded, not funded as high as the President requested, as I have just indicated.

So there may be a lot of other reasons for being for the bill or against the bill. We surely ought to tell the law enforcement people that there is a growing consensus that we ought to put more into local law enforcement, but, frankly, whether we want it or whether the Democrats say we have to have more, we do not need this bill that is on the floor to do more. We just have to take money away from some other programs.

We have about 2,500 in the Federal inventory of domestic programs. We just have to take some money away from some of them and put it in law enforcement, and surely we can put more in local law enforcement without the bill before us ever becoming law.

Mr. President I yield the floor.

I suggest the absence after quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I do not want to take a lot of the Senate's time. I am about to proceed to vote on this motion to invoke cloture. But I would like to, briefly, set a few things straight, if I may.

First of all, my friend from New Mexico, who speaks at length and with expertise about the budget process, is right generally, but wrong specifically. Let me be more precise. For the administration's request for State and local law enforcement, to which my friend from New Mexico spoke—I refer to the President's own budget document for State and local law enforcement—the Congress appropriated roughly $80 million more for State and local law enforcement in the fiscal year 1991 than the administration asked for. To be precise, they asked for about $610 million. The Congress appropriated $692,194,000 in State and local funds.

In the year 1992, the Congress appropriated $704,467,000. The administration requested roughly $610 million; roughly $100 million more than the administration requested.

The money that is referred to by my friend from New Mexico, the $472 million in cuts to the President's budget, were not for State and local law enforcement. There were cuts in the request made by the President and shifts of what should be cut, but it related to the FBI and to other Federal programs—not State and local law enforcement—which I, quite frankly, happen to support. The President was correct, in my view, and our friends in the House did not see it the same way on that score.

The second point I make—to get to the end quickly—if this is such a sham, as it is being referred to, this conference report that we are about to vote on, we are not going to get to vote on. Let me be more precise. We are about to be told that we cannot vote on it because we are trying to invoke cloture and need to get 60 votes. If it is such a sham in terms of money, why does the Republican bill put the same amount in their bill. I am sure they are not disingenuous at all. They are serious. Why would they introduce a Republican bill as an alternative to this

that calls for the expenditure of over $3 billion, the authorization of over $3 billion, if this is such a sham?

I find that somewhat cynical, if that is what they are really doing. They either mean it, that they intend, as we do, to fight for that appropriation, or they are being cynical. But they cannot have it both ways. They cannot come before us and say that this conference report at desk which authorizes $3 billion in law enforcement efforts is a sham; and then, before the words are out of their mouths, introduce a bill that calls for the expenditure of $3 billion, essentially the same $3 billion, for the same programs, and say that it is not a sham.

There used to be a musical group when I was a kid called "Sam the Sham and the Pharaohs," I think it was. I do not know who is the Pharaoh, and who is the sham, and who is Sam here, but I will tell you, you cannot have it both ways. If you are suggesting that we are being disingenuous in calling for the authorizing of $3 billion for local law enforcement, then I understand that. Then do not walk up right after that with a companion bill and say, by the way, we want to spend $3 billion for local law enforcement.

Let me understand one thing with regard to drugs and crime. Every time we have come to this floor—and we, the Congress, have agreed, and up until this year, the Senator from South Carolina and the Senator from Delaware have introduced bipartisan bills; they have been Thurmond-Biden bills or Biden-Thurmond bills—and the money we have called for, we fought for, and we have been told every single time by our colleagues that we could not get the money, that the appropriations committees would never come up with the money. We are always told: We cannot do it.

There is an interesting thing that happens in this country. When the Republicans and Democrats agree, when the Congress votes and the President says it is a good idea, we find the money. I do not hear anybody arguing here on the floor of the U.S. Senate on either side that the State and local law enforcement agencies do not need this help. They used to say that in November. But somehow, the scrooge in them was purged at Christmas time, and now they all agree that we need the money.

So I am saying: Authorize it. And then we will fight like we always do on every authorization. But let the record show, on money for drug treatment and money for fighting the drug scourge, and money for law enforcement, we have carried our end—we, the Congress—and we have ultimately appropriated.

I might note, in closing, on that point, again, we appropriated for local law enforcement about $80 million more than they wanted in 1991, and about $100 million more than they asked for in 1992.

Let us look at what the administration is requesting in 1993. They are requesting $116 million less than we appropriated in 1992. In the President's budget—a page out of the book, not mine, the President of the United States of America—$116 million less in the year 1993 is being asked for by the President than we actually appropriated in the year 1992.

Talk about sham. But at least they are honest about it. At least they put it in their document, "they," meaning the administration. So I recommend my Republican friends read the Presidential budget.

Let me respond quickly to three of the most prominent, but the least merited, criticisms of the conference bill.

First, critics claim that the conference bill puts together the weakest provision from the Senate bill with the weakest provision from the House bill.

I ask my colleagues once again: if the conference bill is so weak, why has every police organization in America endorsed the conference bill, calling it one of the toughest crime bills to come out of the Congress in recent memory?

If it is so weak, why does the conference bill include every death penalty offense passed by both House and Senate?

If it is so weak, why does the conference bill include more new offenses and criminal penalties than were in either House or Senate bill individually?

If it is so weak, why does it include one of the toughest gun control measures, the Brady bill, passed by both Houses of Congress?

If we are talking about weak—why not ask the Republicans why their new crime bill includes the weakest of all gun provisions in any of the bills—leaving out the President's gun clip ban, leaving out the Senate's assault weapon ban, and leaving out both Houses Brady bill?

Second, critics are claiming that the conference bill's death penalty provision will be ineffective.

That simply is not correct.

This bill adds 53 death penalty offenses—the single largest expansion of the Federal death penalty in the history of the Congress.

We thought that law was tough enough when we passed it in the Senate last year—Senator THURMOND and I drafted the death penalty procedures together last year. They passed here last year. We said it was tough last year and now we are being told it is weak this year.

How can last year's tough death penalty law now become this year's ineffective death penalty law?

Critics say that we have changed the procedures in conference.

But that is wrong. There was a single substantive change between the Senate-passed death penalty procedures and the conference bill—at the request of House Members, the minimum age for the death penalty was changed from 17 years old, which the Senator from South Carolina and I compromised on. I believe he had originally 16. I wanted 18. We compromised on 17. The House of Representatives said, no, we will not go to 17; we are not going to put 17-year-olds to death. They have to be 18 years old to be put to death. That is the change.

It is ridiculous to assert that sparing 17-year-olds from the Federal death penalty makes the bill ineffective.

Indeed, the charge becomes absurd once one considers the fact that the very same age limit, 18, is set in the Republican's own bill that they put forward as I understand it. And I stand to be corrected if I am wrong because I am not as thoroughly familiar with the Republican bill as I am the conference report. I am sure I will get to be.

How can the Senate-passed death penalty procedures that were tough last year become totally ineffective this year by adopting the same age limit as the Republicans offer in their own bill? I find that absolutely fascinating.

The critics respond by trying to switch the subject to habeas corpus—they say that the death penalty will be ineffective not because of the procedures that are contained in this bill, in the conference report, or in their bill, but because of habeas corpus.

My colleagues are confusing apples with oranges once again.

Procedures affecting State death row inmates have nothing to do with the Federal death penalty.

Whether or not Charles Manson or William Andrews or any other State death row inmate has another chance at an appeal has nothing to do with the question of whether we should give Federal prosecutors the authority to seek the Federal death penalty for 53 Federal crimes in Federal court.

Third, and finally, critics of the conference bill have claimed that the bill's habeas corpus provisions will open the jailhouse doors to inmates on death row.

Here they are hopelessly confused and purposely confusing.

My bill limits prisoners to a single petition within a single year. The conference report limits petitioners and prisoners to a single petition within a single year.

How can a bill limits prisoners to a single petition for the first time in our Nation's history expand the prisoners' rights as is claimed by my Republican colleagues? We have never done that before—limited it to one single petition in 1 year.

It turns out that the only way you get to this conclusion is through a total misunderstanding of a 5-line definition of the so-called new rule in the conference bill.

When pressed about their claim that habeas provisions will let people out of

jail, the critics explain that what they really mean is not that prisoners will go free, but that prisoners will be able to file habeas petitions based on new constitutional rules adopted by the Supreme Court sometime in the future.

This is an old argument based on an old Biden bill. We surrendered that position, although I think we should not have. We surrendered that position. The compromise bill does not change the law on this score. it says "no new rules shall apply." Now they keep arguing about a bill that is not before us.

So, after this is pointed out, the critics explain that what they really mean is that the definition of a new rule is too broad in the conference bill.

A dispute about the definition of a new rule is a far cry from setting Charles Manson free.

I am happy to discuss the merits of our definition of a new rule with the Senate, but the political rhetoric has to stop at some point.

To conclude: The conference bill lets us put habeas in perspective. In 1990, Federal district courts granted 9, n-i-n-e, not 900, not 900,000, not 90, not 19, 9, n-i-n-e, the Federal district courts granted 9 habeas petitions from death row prisoners. There were 2,400 people on death row at the time—2,400 people on death row in 1990 and 9, 9 habeas corpus petitions were granted.

The conference bill does not create an ineffective death penalty. It includes the largest increase in the Federal death penalty ever passed by both Houses of the Congress; and the conference bill does not let death row inmates have "one more bite at the apple." they have one petition in 1 year, no excuses and no loopholes. no one on death row today goes free.

There is much more to talk about. But I have a feeling that no minds are going to be changed or swayed at this moment, so I would say to my friends and the minority and majority leaders when it is appropriate I am prepared to move, assuming my friend from South Carolina is, to a vote on attempting to invoke cloture so we can get a chance to vote on a crime bill.

Mr. THURMOND. The distinguished Republican leader wants about 1 minute. He just stepped into the cloakroom.

Mr. BIDEN. Sure.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now announce that following discussions with the distinguished Republican leader, I am scheduling the vote on the motion to invoke cloture on the conference report to accompany H.R. 3371, the omnibus crime control bill, to occur at 6 p.m. today.

The PRESIDING OFFICER. I remind the Senate that the majority leader has that authority.

Mr. MITCHELL. That is right.

Mr. President, for information of Members of the Senate, pursuant to a prior agreement, printed on page 2 of today's calendar, this authority was vested in me, and I have discussed the matter with the distinguished Republican leader who is present on the floor. The time was agreeable to him, as it was to the chairman and ranking member of the committee who now had the opportunity to fully debate the subject and therefore Senators should now be immediately alerted that a vote will begin at 6 p.m. this evening on the motion to invoke cloture on the conference report.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I rise today to briefly explain why I intend to vote against cloture on the crime bill conference report.

This conference report contains a new Federal death penalty for 53 crimes. That makes this legislation completely unacceptable to me.

The public supports the death penalty to prevent dangerous individuals from reentering society. This can also be accomplished by life imprisonment without the possibility of parole. Ironically, the average trial and one appeal to a State court in a capital case costs about twice as much as incarcerating an individual for life. Putting criminals on death row drains the limited resources of our criminal justice system.

There is no statistical evidence that the death penalty is a deterrent to violent crime. In fact, murder rates have risen the most over the past 10 years in States with the death penalty. My home State of Minnesota and other States without the death penalty have comparatively low murder rates. The death penalty is not about deterrence—it is about vengeance.

Recently, the parents of Carin Streufert, a University of Minnesota student who was brutally murdered, spoke before the Minnesota Legislature against a bill that would impose the death penalty in our State. Don and Mary Streufert testified that the death penalty could never erase the pain and grief of victims' families. Don told the committee, "We see no sweetness in revenge, only bitterness and alienation." Following the Streuferts' testimony, the Minnesota Senate Judiciary Committee defeated the death penalty bill by a vote of 15–2.

Imposing a Federal death penalty for 53 offenses would not deter violent crime. The death penalty is not a cost-effective alternative to incarcerating criminals. And it cannot erase the pain and grief of victims' families. The only thing that can be said for the death penalty is that it perpetuates a cycle of violence.

Make no mistake, the death penalty is not a solution to violent crime. The crime bill conference report treats it like one, and does a great disservice to the American people. For this reason, I encourage my colleagues to join me in voting against cloture on this conference report.

Ms. MIKULSKI. Mr. President, I rise today in support of the crime conference report.

Mr. President, I enjoy very much hearing directly what people in Maryland are concerned about. They give me their ideas, opinions, and criticisms. And they give me my inspiration to serve them in the best way I know how.

But in the past few months, I have heard bone chilling stories from constituents of mine that were absolutely terrifying and heart breaking. Let me take 1 minute to talk about them.

Let me start with Vladas Pilius. Mr. Pilius left Lithuania as a refugee of World War II and came to this country for a new beginning.

He worked in a textile factory on the east coast and then moved to Baltimore. He met his wife and raised his family in Baltimore.

His story might be very similar to any other immigrant to this country. Except, something happened to the freedom Mr. Pilius was looking for in America. His freedom was snatched away from him last month when a group of thugs kidnaped his oldest son Vito, and brutally beat him to death.

And the only motive was robbery so these murderers could go on a spending spree with Mr. Pilius' credit card.

There is also the conversation I had with Ira Shavel. Ira's wife Shahin Hashtroudi was a psychology professor at George Washington University and she worked at the National Institutes of Health in Bethesda, MD. His wife was well known in her field of memory research.

She was on her way home from work one night when she was robbed and shot to death in a parking lot near NIH.

And finally, there is the story of 6-year-old Tiffany Smith. She was visiting a friend last July, and the two were playing in the neighborhood. Tiffany was killed when she stepped in the middle of a gunfight between two drug

dealers. The young innocence of this victim makes no sense.

I have heard from their families, they cry out for something to be done—now.

Sometimes, Mr. President, I feel in Congress when all is said and done, more is said than done. We have been talking for a long time about the need for a crime bill. These people I have talked to are real. Their stories are enough to make anyone think twice.

We have a good crime bill here. One that is tough and one that will help our men and women in blue. This bill expands the death penalty to include 53 new offenses, provides needed crime fighting assistance for policemen and prosecutors, and cracks down on drug and violent crime offenders.

Mr. President, this bill also includes a waiting period and background check for the purchase of a handgun. Lethal weapons continue to fall into the wrong hands and are too often found in kids' lockers in our schools. Mr. President, sawed-off shotguns found in lockers in a school in Maryland? We have a crisis here.

We can continue to play politics and continue to keep talking. Or we could get something done to take fear out of people's everyday routine.

Mr. President, today our spirit of community has been replaced with a fear of violence. The people and the cops want us to stop talking and do something. We have to make our neighborhoods neighborhoods again. Where kids can play in the street and residents can sit on their porch at night.

Mr. President, I support the conference report. I support getting on with it, and when all is said and done—getting something done.

Mr. DODD. Mr. President, I rise today in support of the conference report on the crime bill.

I deeply regret that this anticrime package is being held hostage to partisan politics. Crime is a serious and tragic issue that affects millions of Americans. It should not be reduced to fodder for Beltway demagogues.

In Connecticut, Mr. President, crime is no laughing matter. Every day I talk with people who are afraid to walk outside their homes in broad daylight. I talk with parents who worry every morning they send their kids to school, because they know some of their children's classmates are packing guns. And every day we in Connecticut wake up to yet another story of friends and neighbors becoming crime victims just because they were in the wrong place at the wrong time.

This is not rhetoric, either. This is reality.

On Valentine's Day, 5-year-old Jasmine Booze and her grandmother were driving down a street in New Haven, CT in the middle of the afternoon. Unbeknownst to them, that street had become a dividing line between rival gangs.

The Jungle Boys and the Island Brothers stared each other down across an intersection, until shots rang out. One of the bullets shattered the car window and hit Jasmine in the cheek. It is only by the grace of God that she wasn't killed.

Or consider these headlines from the Connecticut papers over the past 2 weeks:

Edward Moore, an 18-year-old, was shot by three masked gunmen as he lay face down in the street.

David Hawkins, 23, was murdered as he got out of his car.

Kenneth Hazard, a 25-year-old, was killed as he stepped out of a nightclub.

Nineteen year old Melvin McCoy was shot dead in his car by a 15-year-old in a dispute over a woman.

These tragedies ought to remind us what today's debate is all about. It is not about posturing to win the White House. It is about helping to make the world a safer place for Jasmine and her grandmother and every other American. It is about halting the cycle of violence that destroys young people in the prime of their lives.

Mr. President, today's conference report is not a panacea for the crime problem in New Haven or anywhere else in the country. It does not strengthen the Federal commitment to education or job training or housing—and more than anything it is economic deprivation and limited opportunities within the system that push so many toward lives of crime.

But the conference report is not a criminal-coddling bill either. It is plenty tough on crime. And instead of droning on and on with debate, we ought to enact this bill into law to move forward in the battle against the crime.

For starters, the conference report would expand by 53 the number of Federal crimes punishable by the death penalty.

I know this upsets my colleagues who oppose capital punishment. Let me say at the outset that I have great respect for opponents of the death penalty. They are motivated by deeply felt moral principles, and their sense of conviction brings great credit to the debate.

But in my heart, I cannot agree with their position. In my heart, I believe there are some murders so heinous and so threatening to the fabric of society that the death penalty is the only fitting punishment. That is why I support capital punishment in certain circumstances.

The conference report's death penalty provisions would not require imposition of the death penalty in each case of murder in connection with kidnaping or hijacking or hostage-taking, or in any of the other instances covered by the bill. Mitigating and aggravating circumstances would be weighed each time. But the conference report makes capital punishment an option in certain circumstances, as it should be.

Mr. President, perhaps the most important anticrime measure in this bill is its gun control component. Unfortunately, many of my colleagues who claim to be tough on crime oppose the conference report because of provisions that seek to prevent criminals from owning guns.

Like my father before me, I believe in gun control. My father was a special agent for the FBI in the 1930's. He spent his wedding night staking out one of John Dillinger's suspected hideouts. Between 1938 and 1945, my father served as an assistant to five successive Attorneys General of the United States.

In these capacities, he saw first hand the threat posed to law-abiding citizens by addicts, criminals, and crackpots with access to firearms. And that is why in 1963, as chairman of the Senate Subcommittee on Juvenile Delinquency, he introduced legislation to stop mail-order sales of handguns.

Mr. President, when I hear the rhetoric of the gun lobby about current gun control efforts, I get a sense of deja vu. Opponents of my father's gun control measure fought it for 5 long years. They argued that it was unconstitutional. They asserted it would not keep guns out of the hands of criminals and others unfit to have them. They claimed it amounted to nothing other than a burden on law-abiding citizens.

While they made their arguments, President Kennedy was shot by an assassin armed with a fraudulently obtained mail-order rifle. It was only in 1968, after the tragic murders of Martin Luther King Jr. and Senator Robert Kennedy that gun control supporters were able to end mail-order sales of firearms.

Mr. President, how many more tragedies are we going to tolerate before we curb the sale of guns to criminals? In Connecticut, guns are the cause of death in over 60 percent of all homicides. In 1990, they were the weapon of choice in 104 of 168 murders.

The modified Brady bill included in the conference report would plug one of the major cracks in the dam. At present, if a criminal signs a form at a gun store stating that he is neither a criminal or a crackpot, he can buy a handgun, no questions asked. The Brady bill simply requires the storeowner to send the form to the police, and give police 5 days to do a background check. If the storeowner hears nothing by the end of that time, the purchaser can come back and pick up the gun.

In my State of Connecticut, we already require a 14-day waiting period for firearm purchases, and it works. Last year there were 167 purchases stopped because the buyer had a criminal record.

Mr. President, for my father, gun control was not a liberal issue. It was not a conservative issue. It was a law

and order issue. And so it should be today. The Brady bill is backed by all of the major law enforcement groups in the country, and will be a good first step in addressing the rising tide of gun violence.

Another essential component of this bill is the aid it provides to State and local law enforcement agencies. In all the heated debate about crime, we sometimes lose sight of the fact that State and local government bear the lion's share of the burden in the battle against crime. Laws against violent crime are State laws, and are enforced at the State and local level.

The Federal Government's job is to be a generous and committed partner. The conference report strengthens that role by authorizing $1 billion in additional Federal grants for crime prevention programs, including community-based drug abuse prevention programs, and neighborhood policing efforts.

Finally, the crime bill before us recognizes that the Federal Government can and must help States address their prison overcrowding problems.

In Connecticut, the number of inmates in the State prison system more than doubled during the 1980's—from 4,870 in 1982, to 10,814 in 1991. At the same time, the number of people under Department of Corrections community supervision programs nearly tripled—from 5,987 in 1982, to 17,401 in 1991.

Connecticut's plight is not unique, either. Nationwide between 1980 and 1988, the total number of convicts in Federal, State, and local prisons increased by 84 percent. It has since climbed past the 900,000 mark.

The prison population explosion has forced Connecticut and other States, already under considerable fiscal strain, to spend hundreds of millions constructing new prisons. But we have discovered it is impossible to build our way out. During the 1980's, Connecticut spend $800 million to build 6,000 more prison beds—but even that Herculean effort leaves us short by thousands of beds.

So at present, in my State, 7 of 21 prisons are under Federal court order to reduce overcrowding. As a result, many criminals are being released before they have served out their terms. Offenders are getting out before they have paid their full debt to society.

The conference report authorizes $600 million for construction of 10 regional prisons to house State and Federal convicts with drug abuse problems. This will by no means solve the prison overcrowding crisis by itself, but it is an important step in the right direction.

Mr. President, as I noted at the outset of my remarks, the crime bill conference report is but one element of broader Federal effort we must make if we are really serious about crime. We need to rebuild our educational system. We need to bolster job training programs. We need to address the critical shortage of low-income housing in this country. We must rebuild our crumbling cities.

I will continue to work for legislation in each of those areas. But we also need this bill before us today because it is a tough anticrime bill. The death penalty provisions, the gun control language, the aid to State and local law enforcement, and the construction of new regional prisons stiffen our resolve to win the war on crime.

It is reprehensible that this bill has become a political football. Each day we postpone action, another innocent American like Jasmine Booze falls victim to violent crime. Every day, more young men like Edward Moore, and David Hawkins, and Kenneth Hazard die in the streets.

Mr. President, we don't need more talk. We need action. We need to enact this bill into law. I intend to vote for cloture on this anticrime package, and I urge my colleagues to join me in this effort to help make our Nation a safer place.

Mr. COATS. Mr. President, today I rise in opposition to the motion to table debate and invoke cloture on the conference report on crime. The conference report before us is not the answer.

Title II of this conference report systematically overturns the Supreme Court's habeas corpus decisions which enhance law enforcement in my State of Indiana. The conference report before us continually expands opportunities for convicted criminals to file continual appeals, tying up our courts and impeding justice.

The repetitive review and endless litigation that would result from this legislation would restrict law enforcement officers, allow criminals to escape justice on legal technicalities, and inflict serious injustices on the families of murder victims and the law-abiding public.

The conference report sets no time limit on habeas corpus filing by prisoners in noncapital cases, and allows prisoners under sentence of death to delay a full year before applying for Federal habeas corpus. It is my understanding that this new time limit would double the 180-day limit endorsed by the Senate and U.S. House of Representatives in 1990.

This conference report explicitly allows convicted murderers whose guilt is not in doubt to raise new claims of alleged technical defects in their sentences in a second, third, fourth, or even later Federal habeas corpus petition.

Mr. President, many of my colleagues who want quick passage of this conference report deny the package would impair limits on Federal appeals. The attorneys general of over 30 States reject this claim. Let me add that this list includes 15 Democratic State attorneys. Other organizations opposing this bill's attempt to weaken habeas corpus reforms include: the National District Attorneys Association, the Conference of Chief Justices, U.S. Attorney General William Barr, and numerous victims organizations.

Mr. President, let me make my message clear. The U.S. Congress should pass a tough crime bill and the President should sign it into law. This is not a time for indecision, inaction, or political paralysis. All Members have to do is look right down our streets—in the real world—and they will see that we must affirm in no uncertain terms that we value human life. The U.S. Congress needs to demonstrate its commitment to protect law-abiding citizens and tough penalties for murderers and drug dealers who are found guilty.

Ultimately, I am convinced, the war on crime will not be either won or lost in legal changes or Government programs alone. Crime is the mirror image of a community's moral state. Criminal acts are not primarily failures of society or failures of deterrence—they are failures of character. Ronald Reagan made the point well.

> Controlling crime is ultimately a moral dilemma—one that calls for moral, or if you will, a spiritual solution. * * * The war on crime will be won only when our attitude of mind and a change or heart takes place in America, when certain truths take hold again and plant their roots deep in our national consciousness, truths like: Right and wrong matters; individuals are responsible for their actions; retribution should be swift and sure for those who prey on the innocent.

This moral dilemma is addressed—if it is addressed—first in families that transmit values, and churches that raise a moral standard.

Real reform will start within families, where children and family receive the love and care they deserve. It starts with values and a sanctity for life. It also starts with laws that are fair to both law enforcement officer and the accused.

Mr. President, the conference report does not meet this important third prong. As a result, I encourage my colleagues to vote down the motion to invoke cloture and pass a crime bill.

Mr. LEVIN. Mr. President, there was much good and much bad in the crime bill the Senate passed last July. As I said at the time, I voted for it because I believed it would be improved in conference. That prediction was right.

While still containing provisions I oppose, the conference report before us represents an improvement over the Senate-passed bill. For instance, the Senate-passed bill's habeas corpus provisions constituted more of an attack on the Bill of Rights than crime. The Senate bill would have effectively eliminated Federal court review of State criminal trials to ensure that they conform to the Bill of Rights.

The conference report adopts more moderate reforms, setting deadlines for filing habeas petitions, limiting succes-

sive habeas claims, and calling on States to provide competent defense counsel in the first place. It carefully balances fairness and finality, rather than exalting finality over fairness.

It only takes a listing of a few of the provisions in it to demonstrate that this bill is a tough anticrime bill which will help law enforcement officers and citizens take back their neighborhoods from criminals now threatening them.

The conference report contains many important provisions including:

The Brady bill, which establishes a national 5-day waiting period for the purchase of handguns, until a national instant check system is developed.

New minimum penalties for offenses committed with guns, for gun possession by felons, and for the theft of guns.

Authorization for $1 billion in new aid for local police departments and prosecutors for antidrug law enforcement efforts.

Antigang violence initiatives, including expanded juvenile courts and prevention programs.

New rural anticrime programs for training and assisting rural police departments and additional Federal drug agents in rural areas.

And, a provision to establish a new S&L prosecution task force to help halt whitecollar crime.

I am pleased that the conferees also included two provisions of particular interest to me. The conference report contains an amendment of mine to strengthen the provision in the bill which establishes 10 boot camp prisons using closed military bases. My amendment would permit Federal prisoners with longer sentences—up to 2 years—to be considered for this type of incarceration and would give the States additional latitude in deciding whether to send nondrug offenders, as well as drug offenders, to this type of program.

In addition, my amendment adds provisions for followthrough after release to ensure that the lessons of boot camp stick. One thing we learned from the oversight hearings on boot camps in the subcommittee I chair was that the lessons inmates learn in boot camp need to be reinforced on the outside—after they leave the disciplined environment—if they are going to take hold.

The second provision addresses the devastating toll that the national drug epidemic has taken on many of our Nation's hospitals. The conferees included a modified version of my bill on uncompensated trauma care. The conferees provide financial assistance to hospitals that are in jeopardy because of increased emergency room visits resulting from drug-related abuse and violence. I am pleased that the conferees included $50 million in emergency grants to hospital trauma centers for uncompensated drug-related care.

Mr. President, I oppose the conference report's death penalty provisions for reasons set forth on many occasions. But I believe the legislation will on balance assist the war on crime and help make our neighborhoods safer.

Mr. SANFORD. Mr. President, the measure before the Senate deserves our strongest support. The time has clearly come to vote for cloture on the crime bill and to pass the conference report on H.R. 3371, the Violent Crime Control and Law Enforcement Act of 1991.

I spoke on the floor of this Chamber just 2 weeks ago about this measure. This conference report is responsible and enjoys the support of every major law enforcement organization in the Nation. I would just remind my colleagues that on March 10, law enforcement officers from across the country held a joint press conference to announce their support for this bill.

This support from the men and women who are on the front lines of our fight against crime is why I rise again today to urge my colleagues to support this bill. The local law enforcement community must be aided in their response to violent crime. They are increasingly understaffed, ill-equipped, and outgunned. This bill authorizes $3 billion for local and State law enforcement agencies. This is a serious commitment, and an important and necessary facet of our continuing effort to address the crime epidemic in this country. Because of this enthusiastic and unwavering support, I feel compelled to support this conference report. The Fraternal Order of Police called this bill "the toughest anticrime legislation to emerge from Congress in recent memory."

Now, Mr. President, some prosecuting attorneys have complained about the habeas corpus provisions in this conference report, and it is clearly one of the most contentious aspects of the measure before us. It is not the precise approach I would have taken, had I drafted my own version of comprehensive crime legislation. It is not, however, something that ought to bring down the whole package. If we do not invoke cloture because of this habeas provision, will people feel safer in their community? If we do not invoke cloture because of this habeas provision, will our local law enforcement officers be provided additional resources?

The Senate should show some flexibility. The public has made clear its support for this crime bill. Let us pass this bill and strengthen the ability of the police to do their job of law enforcement on the street. Let us pass this bill and make our communities safer. As it is now, we will not invoke cloture based on a provision that affects only criminals who are already behind bars, and makes it now more likely that they will be granted new trials. Why must we tie the hands of our local police by failing to pass this important legislation?

Hopefully, as we vote on this important cloture petition, a spirit of compromise will come over us and we will pass this tough and responsible crime bill.

A vote for cloture is a vote for the men and women protecting our communities. When it comes to making this choice, I come down on the side of our local law enforcement officers who face the criminals. That is when we need to be tough.

Thank you, and I yield the floor.

Mr. PELL. Mr. President, in regard to the conference report on the crime bill, currently waiting at the desk for consideration by the full Senate, I will not only support the effort to allow the Senate to consider the conference report and bring the matter to a vote, but I will also vote to adopt the conference report's passage when that vote occurs.

There are particular provisions contained within this omnibus package which I oppose. Chief among these is the drastic, and what I would characterize as reckless, expansion of the death penalty. In Rhode Island, the last time an individual was put to death for a crime, it was later proved that he was innocent. While I believe that heinous crimes should be punished harshly, for example by a life sentence without the possibility of parole, I do not support the death penalty. I regret that this crime bill contains the expansion of the death penalty that it does.

Nevertheless, despite this strong objection there are many other provisions contained in the bill which argue for the need for this legislation to become law. This is a comprehensive package of compromises reached after long, contentious debate between both parties and by bodies of Congress. This bill provides new means to address the rampant crime that is plaguing our streets and neighborhoods. It provides meaningful assistance for law enforcement to get crime under control; it strengthens our ability to get and keep criminals off the streets; and it gives victims a measure of the compensation they deserve.

One of the more important pieces of this package is the inclusion of the Brady bill—a thoughtful and meaningful first step at gun control. The time for effective gun control in this country is long overdue. Until we get some sort of control over the spiraling ascent of violent crimes in this country, and that means control over the means of committing these acts of violence, we will never seriously address the anarchy which is taking over our city streets. The 5-day waiting period for the purchase of guns contained within this bill and the steps taken toward instantaneous background checks for would-be gun purchasers make simple common sense and I am glad to see that the Congress is finally moving in this direction. I have no illusion that

these provisions will be some sort of magic solution which will end all violent crime in our society. Rather, I applaud the resolve of Congress to finally include gun control as a working, viable feature in our crime control efforts.

There are other features of this conference report which deserve mention. The bill provides additional resources to State and local law enforcement agencies so that they can target crime at the local level. There are also provisions which address the special crime problems which face specific groups in society such as the elderly and women. The bill also provides for stiffer penalties and additional moneys for prisons. These, along with other provisions, make this the toughest anticrime legislation to come before the Congress in recent memory. Given the level of crime currently plaguing this country, this legislation provides some of the tools we need to fight back.

I wish to commend Chairman BIDEN for his steadfast and excellent work on this legislation. It has been a long, tough process and the result is a solid package of anticrime initiatives which should be passed.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, the time for debate under the unanimous-consent agreement has expired. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report accompanying H.R. 3371, the Omnibus Crime Control Act:

George Mitchell, Terry Sanford, J.R. Biden, Daniel P. Moynihan, Joe Lieberman, John F. Kerry, Harris Wofford, David Pryor, Jim Sasser, Edward Kennedy, Albert Gore, Charles S. Robb, Bill Bradley, Frank R. Lautenberg, Paul Sarbanes, Jay Rockefeller.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 3371, the Omnibus Crime Control Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. DIXON] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—54

Adams	Durenberger	Lieberman
Akaka	Exon	Metzenbaum
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Biden	Glenn	Nunn
Bingaman	Gore	Pell
Boren	Graham	Pryor
Bradley	Harkin	Reid
Bryan	Hollings	Riegle
Bumpers	Inouye	Robb
Burdick	Jeffords	Rockefeller
Byrd	Kassebaum	Sanford
Chafee	Kennedy	Sarbanes
Conrad	Kerry	Sasser
Cranston	Kohl	Simon
Daschle	Lautenberg	Wellstone
DeConcini	Leahy	Wirth
Dodd	Levin	Wofford

NAYS—43

Bond	Grassley	Packwood
Breaux	Hatch	Pressler
Brown	Hatfield	Roth
Burns	Heflin	Rudman
Coats	Helms	Seymour
Cochran	Johnston	Shelby
Cohen	Kasten	Simpson
Craig	Lott	Smith
D'Amato	Lugar	Specter
Danforth	Mack	Stevens
Dole	McCain	Symms
Domenici	McConnell	Thurmond
Garn	Moynihan	Wallop
Gorton	Murkowski	
Gramm	Nickles	

NOT VOTING—3

Dixon	Kerrey	Warner

The PRESIDING OFFICER. On this vote, there are 54 yeas, 43 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THURMOND. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I want to thank my colleagues, those who voted to invoke cloture.

Mr. President, there are two of our colleagues necessarily absent today, who, had they been here and voting, would have voted for cloture. There was one of our colleagues who changed his vote today, and it related to another matter.

The point I am trying to make is simple, Mr. President. I think there is a growing concern about this issue, and I think there is a growing realization that the conference report we have still not been able to get a vote on is a solid piece of legislation.

But let me just say this, and I will yield the floor.

Mr. President, I want a crime bill. My colleague from South Carolina wants a crime bill. Speaking for myself, notwithstanding the fact the conference report is able to be called up again for cloture vote in the future if need be or if it seems appropriate, I am prepared to enter into negotiations with anyone who wishes to move in good faith to try to come up with a crime bill. I think we owe it to the American people.

I am truly sorry we did not invoke cloture today, but I understand the realities of this body, and I just hope, as time moves on, there is a greater realization on the part of my colleagues that there is a need for us to vote on a crime bill. But I thank my colleagues, particularly all of my colleagues on both sides of the aisle who have been taking my phone call for the past week, listening to my pleas as to why I think this is the most appropriate way for us to proceed. I thank them for their support.

MORNING BUSINESS

Mr. BIDEN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection it is so ordered.

MORE JOBS, NOT MORE TAXES—PART III

Mr. DOMENICI. Mr. President, I want to take a couple of minutes because I want to make my third installment of my statements that center around the concept of more jobs and not more taxes. So I call this one today "More Jobs, Not More Taxes, Part III."

Each day since we came back into session after the passage of the Democratically sponsored tax increase bill, I have shared with the Senate a factual story from New Mexico about a New Mexico business and how it would be adversely impacted by that bill.

So I want to talk today about a small business family who recently won a very high business award in my State. The award is called the Maxie Anderson Business Award. Some will remember Maxie Anderson as a famous balloonist, but before that he was a very famous entrepreneur, one of the leading mine operators in America.

This award, which the chamber of commerce gives to innovative growth companies, was given to a man named Tony Fernandez and his wife Linda

who own a printing company in Albuquerque. It is called the Albuquerque Printing Co.

Tony thinks he is a very lucky man because his son is employed in the family business after graduating from the Rochester Institute of Technology. Too many young people leave New Mexico and their families because there are not enough jobs. In this case, young Fernandez graduated from Rochester Institute of Technology and now works with his father and mother at the Albuquerque Printing Co.

As you might suspect, Tony is an immigrant to this country. He came from Cuba because he wanted an opportunity to be free and, if he could, to go in business. He came here because he had a dream of seeing how the free market system worked. He moved from elsewhere to New Mexico 17 years ago and he loves it.

The Albuquerque Printing Co. is a very sophisticated commercial printing business. It produces beautiful art posters, museum catalogs, brochures, books, and magazines. Thirty-five families rely on this small business for their paychecks, and Tony recently said, these families depend on us, and it is a big responsibility.

Tony and his wife are real entrepreneurs. Two years ago, they really took a risk. They bought a five-color press. Mr. President, that was an expensive piece of equipment. They went out on a limb for $14,000-a-month payments to get this new machine. When he purchased the press, the banker said he should not, the accountant urged him not to, but he believed in this system and he did it.

Even though this business has grown significantly, Tony said, "those $14,000-a-month payments are very scary; I really took a risk. Sleepless nights are part of making this business grow."

He can do things in this commercial printing shop that no one else in the city can do. His business has doubled in size in the last 3 years. It is up another 15 percent this year.

He has expansion plans. He wants to move to a bigger building and buy a seven-color press. He wants to hire another six or seven employees by the end of the year, and he says he would need three highly skilled pressmen, $40,000-a-year jobs. Not a bad salary where we come from.

The obstacle is cash. He said property taxes have recently increased and put a dent in his budget. If he has to pay more for U.S. Federal Government income taxes, his expansion dream will be in trouble; it will absolutely be delayed.

And pay more Federal income taxes he will. If the Finance Committee retroactive tax increase is enacted, Tony figures that he and his wife will be right on the borderline for the tax increase.

Instead of raising taxes, we talked to entrepreneur Tony, and he urged Congress to enact a 15-percent tax allowance for investments in business. An investment tax allowance would make it easier for him to purchase that new color press. That new press is the key to diversifying, attracting printing jobs from out of State. He sees a lot of trucks bringing goods into his State. Too many of them go back empty. He wants to fill them up with printing jobs from out-of-State customers.

Congress should help Tony, Linda, and their well-educated son create more jobs. We should enact the 15-percent investment tax allowance and the passive loss provisions to strengthen the real estate market. This will improve the balance sheets of our financial institutions and make more credit available for small businesses like Albuquerque Printing.

We should enact the $5,000 first-time home buyer credit. This provision would allow many more people to purchase houses. We should enact the provisions to allow pensions to invest in real estate and provisions to allow penalty-free withdrawals from IRA's for certain purchases between now and the end of the year.

It seems to this Senator that the path is charted for us. If we want small business of the type I have been discussing each day on the floor, the businesses that reinvest their profits in their business but file all those profits as personal income, either because they are, indeed, sole proprietorships, partnerships, or subchapter S corporations which file as individuals—and I am beginning to believe that there are huge numbers of these valuable hard-working taxpayers. I am beginning to believe that most of those rich people that are alluded to here on the floor of the Senate that we want to tax more, I am beginning to believe that they are businesses that leave their profits in the business and pay taxes as individuals. These are people just like Tony Fernandez.

You see what we are going to do. We are going to increase their taxes 16 percent. That is, they will pay 16 percent more, and we will deprive their business the cash it needs to grow. Guess what they would have done with the money instead? Just what we have been discussing in three cases each day. It would produce jobs for Americans. The supporters of the Finance Committee bill are suggesting that we ought to take more from these entrepreneurs, bring it to the Treasury, and spend it. It would be far better to let the entrepreneurs invest it.

I submit it is true that the taxes on private business people in America, increasing that base by 16 percent, is going to reduce the number of jobs created in this economy during the next few months and into the next few years.

So I think if one wants to search around for evidence, as I have, we are going to find in the marketplace day-by-day evidence that if you want to stymie job growth, levy a 16-percent additional tax. I am speaking now of the quantity. When you raise it from 31 to 36 percent you are adding 16 percent to the burden. If they were paying $100, they will be paying $116. All of that would come out of cash that would stay in a business to produce jobs or purchase equipment.

TRIBUTE TO FRED BRAMLAGE

Mr. DOLE. Mr. President, Kansas sustained a terrible loss this week with the passing of Fred Bramlage, one of most unselfish and dedicated persons I have ever known.

Although he was a success in business, Fred spent most of his time thinking about other people, trying to figure out new ways to help them; that was Fred.

If there was someone who needed help, he was there; if some town needed his help, he was there; and if someone was down in their luck, he was always there with a helping hand.

Anyone who ever had the honor and good fortune of knowing him would tell you in a minute that Fred had a heart of gold.

For most of his 81 years, Fred Bramlage was a driving force behind economic development throughout our State, whether it was Junction City, or Kansas City, or Manhattan, where he gave so much of his time and energy to Kansas State University. The fact that K-State's new sports arena bears his name is a testimony to the kind of affection and respect Fred earned with his lifelong dedication to making Kansas a better place for all.

As a veteran of World War II, Fred also spent his life remembering the sacrifice and devotion of our veterans. He was a strong supporter of Fort Riley, and because of his care and concerns, Fort Riley expanded into one of the premier bases in America. In fact, the outstanding role of the Big Red One First Division in Operation Desert Storm owes much to the vision of Fred Bramlage who knew that there was no substitute for the finest military training America could afford.

I am proud to tell my Senate colleagues that Fred Bramlage was my friend, a good friend who was always there when I needed advice, or counsel. I will never forget his warmth, his honesty, and his compassion.

Let me tell you, Fred Bramlage made a difference.

So I extend my condolences to his wife Dorothy, members of his family, and his legion of friends throughout

Kansas and throughout America.

HURDLES FACING SMALL BUSINESS

Mr. BUMPERS. Mr. President, occasionally I receive a letter from a constituent which is so eloquent and compelling that it deserves the attention of my colleagues and the public. I say on occasion not because the majority of Arkansans are not articulate, but because it costs money to print material in the CONGRESSIONAL RECORD, and I believe in using that privilege sparingly.

Last week I received such a letter from Lawrence Elliott, a small business owner in East Camden, AR. As chairman of the Senate Small Business Committee, I am especially sympathetic to the hurdles facing business owners, and I tend to view much of Congress' work from their perspective. Unhappily, much of what they and I see is not good.

Congress often reminds me of a fellow who was pastor of our little Methodist church in Charleston, AR, a few years ago. In those days, I was a small business owner myself, as well as a country lawyer. Our minister seemed to have a boundless supply of noble projects and causes which needed my support. One day I said to him, "Reverend, your ability to think up good and worthy causes which need my support seems limitless, but my ability to finance them is not."

Likewise, Members of Congress have a boundless imagination for new policies and practices which would make our world a better place to live—cleaner air and water, fairness and opportunity for the disabled, health benefits for everyone—the list goes on and on.

I honestly do not think there is a Member of Congress who wishes ill toward the business community. But, unhappily, business owners must live with the effects not the intent. The American people understand this situation. You cannot be in favor of jobs and hate employers at the same time.

Mr. President, I ask unanimous consent that a letter from Mr. Lawrence Elliott of East Camden, AR, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ELLIOTT'S ROOFING & SHEET METAL, INC.,
East Camden, AR, February 21, 1992.

Hon. DALE BUMPERS,
U.S. Senate, Washington, DC.

DEAR SENATOR BUMPERS: Hopefully this letter will give you a little insight into what is happening in the construction and fabrication industry.

I started work in 1957 in the sheet metal and built up roof business. In 1976 I bought out my employer. My wife and I mortgaged everything we owned to get into business. This business requires a lot of hard work and long hours. There are no guarantees the low bidder gets the work.

There are thousands of people like myself willing to take a chance and lay everything on the line in order to own their own business. We work from 10 to 15 people at all times and have never had a serious accident or catastrophe of any kind in the thirty five years I have worked for my ex-employer or myself.

What I am coming to is this. In the last 5 years Congress has had a steady stream of anti-business legislation going through the House and Senate. Every kind of law to make the employer spend more money or do more paper work has risen out of everything you people have passed. OSHA and the EPA both have free hand to walk into anyones' business and fine them out of business or severely handicap their operation. Ninety percent of the people hired by OSHA have never been in business. How can they possibly understand what it takes to run a business.

Most businessmen are not rich. Most of us are struggling very hard to rise above the rising cost of workers' comp, liability insurance, hospitalization insurance, state taxes, federal taxes, and a steady stream of new laws that are coming out of Congress every year to further handicap our operation.

Ninety-five percent of all businessmen try their best to take care of their people. We do not want them sick, hurt, or unhappy. You people are punishing ninety-five percent to get at five percent.

Three fifths of all people in the United States are employed by small business. What I am trying to get across is that every small businessman that I talk to is struggling, trying to stay in business. It makes you wonder when the government of our greatest competitor, the Japanese, does everything they can to help their business community while our government is doing everything they can to hurt ours.

I am 54 years old and there is more resentment towards Congress at this time than I have ever seen. My wife and I have been supporters of yours' for many years. I feel we must take a good look at how we vote in the future. We need your support as does all small business.

In closing, I had a meeting with my employees this morning and informed them that if we did not see any changes in the congressional attitude towards small business and get some help instead of interference, we will close our business and sell all of our equipment.

Sincerely,

LAWRENCE ELLIOTT.

SEABEES 50TH ANNIVERSARY

Mr. HEFLIN. Mr. President, this year marks the 50th anniversary of the creation of the Naval Construction Battalions, popularly known as the Seabees. This military unit accomplished legendary feats of construction during World War II, aiding the allied effort in numerous and immeasurable ways. Founded by Adm. Ben Moreell, the Seabees' contributions and service will be celebrated at a series of events throughout 1992, including open houses, reunions, banquets, and parades.

In 1942, Moreell recruited experienced construction workers for the first battalion to be formed. The units were authorized to be called Seabees, an altered acronym for construction battalions, later adopting the Fighting Bee insignia. Seabee units participated in every major invasion in both the Atlantic and Pacific theaters of operation. They were so effective that they became a permanent part of the Navy, continuing to serve with distinction in Korea, Vietnam, and the Persian Gulf.

It is with great pride and pleasure that I commend the Seabees on their outstanding record of service to our country and congratulate them on the occasion of their 50th anniversary. In so doing, I ask unanimous consent that a proclamation issued by the Governor of the State of Alabama designating March 1992 "Seabees Month" be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

STATE OF ALABAMA—PROCLAMATION

Whereas, 50 years ago, when the security of our nation was threatened by the Axis powers, the United States Navy organized its Construction Battalions, known then and today as the Seabees; and

Whereas, throughout their history, the Seabees, sometimes referred to as sea-going engineers, have worked tirelessly to build the air strips, roadways and other installations vital to maintain the free world; and

Whereas, often operating under enemy fire, with limited facilities and equipment, the Seabees earned fame for their ability to get their assignment accomplished, carrying the motto "Can Do;" and

Whereas, since their inception, the Seabees have served whenever and wherever there was a need for their skills and determination; and

Whereas, their reputation for ingenuity and dedication, began in World War II and has continued through actions in Korea, Vietnam, Lebanon, and the Persian Gulf; and

Whereas, during March 1992, the Seabees will observe the 50th Anniversary of their founding, along with the Navy Civil Engineer Corps, the branch of the Naval Service affiliated with the Seabees, who will celebrate their 125th Anniversary:

Now, therefore, I, Guy Hunt, Governor of the State of Alabama, do hereby proclaim March 1992 as Seabees Month in Alabama, and urge all citizens to make this an occasion for deserved tribute to the active and reserve forces of the Seabees and the Navy Engineer Corps for the great contributions they have made to our nation's defense effort.

RECYCLING IN RURAL AMERICA

Mr. BURDICK. Mr. President, my father served in the U.S. House of Representatives for 20 years. He often made the observation that legislative bodies seldom lead. They generally follow. They follow the leadership of their constituents. A case in point recently came across my desk in the form of a letter from a Baptist minister in Lisbon, ND, concerning solid waste disposal and recycling. Rev. Stephen Wisthoff shared with me the problems that put one rural recycling operation out of business and offered several ideas to encourage development of markets for recyclable materials.

For several months now, the Committee on Environment and Public Works has grappled with the issue of recycling in conjunction with the reauthorization of the Resource Conservation and Recovery Act. Nearly everyone agrees that recycling of waste paper, plastics, metals, and glass is a laudable social activity. There is little consensus, however, as to how we as a society go about the task of recycling a greater percentage of our solid waste. My colleagues on the Committee on Environment and Public Works looked at a number of recycling proposals over the course of several years. It is one thing to collect old newspapers, used cans and bottles. It is quite another to find profitable markets, particularly in rural areas, for these materials. Reverend Wisthoff's letter succinctly summarizes our policy dilemma and suggests a solution whose time has come.

Mr. President, I request unanimous consent that a copy of Rev. Stephen Wisthoff's letter be inserted in its entirety in the RECORD.

Reverend Wisthoff's letter again demonstrates that the American public is ahead of the Congress in identifying solutions. In the coming weeks the Committee on Environment and Public Works will report legislation reauthorizing the Resource Conservation and Recovery Act. The committee has considered various proposals concerning recycling, including provisions mandating minimum recyclable content. The minimum content concept met with strident opposition from the private sector and the committee has refined its recycling proposal to reflect a responsible company concept. Under our proposal, a company would be responsible for recycling a percentage of the materials it introduces into commerce. Market forces would develop demand for recycled bottles, cans, and plastics.

I urge my colleagues to review the recycling provisions which will be presented by the committee in coming weeks. I feel the proposal has a good deal of merit and is one which should be supported by the Senate. This proposal is too late to help South East North Dakota Recycling and Salvage, but hopefully new markets for recyclables will be developed all across the Nation as a result of the committee's RCRA amendments.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIRST BAPTIST CHURCH,
Lisbon, ND, March 3, 1992.

Senator QUINTIN BURDICK,
Hart Senate Office Building, Washington, DC.

DEAR MR. BURDICK: Thank you for the good job you are doing representing the people of North Dakota.

Two weeks ago, I watched a member of my congregation become unemployed which is certainly no unusual tale in this period of our economy. The sad part of this story is that Steven Bettenhausen was the only rural recycler in eastern North Dakota. Two weeks ago, SEND (South East North Dakota) Recycling and Salvage went through foreclosure and Steve, just this past week, went to work at a local grocery story stocking shelves.

Steve was a pioneer in the field of rural recycling. Other communities have looked to Steve for expert advice on how to open similar operations. Over the past few years, we have been hearing about the need for preserving our resources and reusing through recycling. The cry has been that landfills are closing and resources are diminishing. So Steve had a dream. He borrowed money by putting everything he owned up for security, sold some shares to people in the community, and began researching the market. The market was not good in the fall of 1989 when he began his research but things looked promising because the government was telling us that recycling was a thing of the future. Steve did fairly well for about a year but then the bottom fell out of the market. We are told that it is cheaper for companies to buy new paper, plastic, or tin than it is to buy recycled products. At this time, there is little or no market for product waste.

Mr. Burdick, why is it that Campbells Soup can make a can and send it out of their factory filled with a product, and take no responsibility for where that can will go when it is empty? How is it that Pepsi or Anhuaser Bush can produce a container and send it away from their brewery without giving a second thought to where that can will end up?

Is there no responsibility in the marketing and production of a product? How can our government SAY that they are concerned about the environment but then have this laissez-faire attitude toward industry. Does Kimberly-Clark care where disposable diapers go? Do they pay for the support of opening new landfills?

I believe that government must make these corporations accountable for every container or product that leaves the production line.

In the meantime, people in Lisbon are no longer setting their bottles, cans and newspapers out to the curb to be picked up by Steve and his workers. Steve's recycling yard is vacant except a remaining pile of plastic bottles that have no immediate destination.

I am asking you to address this problem of corporate responsibility in the process of recycling. This is the only way that we can hang on to the precious resources that this earth offers it's occupants.

Respectfully,

Rev. STEPHEN WISTHOFF.

NATIONAL AGRICULTURE WEEK: WOMEN IN AGRICULTURE

Mr. PRESSLER. Mr. President, today is National Women in Agriculture Day. This day has been set aside to pay tribute to the numerous contributions women have made to the successful American agricultural story. The role played by women in agriculture is constantly changing. However, one thing has not changed: women are equal partners in farming and ranching operations. They are vital to the success of farm families.

Women's roles in agriculture range from running sole proprietorships to marketing, animal care, managing hired help, planning budgets, and estate planning. Women also tackle problems such as farm safety, stress management, and the Government programs available to farm and ranch operations.

Mr. President, much of the success of American agriculture can be attributed to the active role women play in daily farm and ranch operations.

The March 1992 edition of South Dakota High Liner magazine has an article entitled "Women in Agriculture." The article explains that, "Farming is not a go-it-alone operation. The wife is usually a full partner in planning and work." The author of the article is Mary Brashier of the Agricultural Communications Department at South Dakota State University in Brookings, SD. The article says,

> [Women] are full and equal partners in the farm or ranch operation. * * * In my opinion, that goes a long way toward explaining the strength of agriculture in South Dakota.

I ask unanimous consent that the text of the article appear in the RECORD at the conclusion of my remarks.

Mr. President, a 1990 survey in South Dakota showed that 69 percent of farm and ranch women were joint operators. The survey also showed that half of South Dakota farm and ranch women currently hold off-farm jobs.

As many as 72 percent of farm and ranch women in my State have held jobs off the farm at some time. The survey revealed that when women began working off the farm, they not only retained their role in long-range decisionmaking but actually worked harder and longer at farm labor. Mr. President, this is a remarkable feat.

The increasing role of women in farming and ranching operations has led South Dakota's Cooperative Extension Service to organize conferences to assist women in meeting the challenges of agriculture, enhance their farm management skills, and learn better ways to balance family life. Dakota was one of the first States in the Nation to establish such forums.

Mr. President, South Dakota's first Women In Agriculture [WIA] Program was held in 1990. It is now an annual event. These conferences address issues such as farm ownership and management, understanding ASCS programs, family budgeting, farm safety, marketing, managing hired help, estate planning, stress management, and numerous other issues our farm women face daily. The WIA program has been a successful educational tool for rural women. The WIA Program deserves greater recognition for its contributions to women who are involved in agricultural production and management.

Increasingly, women are being elected and assuming the role of national farm and ranch leaders. They have shown a high degree of professionalism in these leadership positions.

Unfortunately, I do not have the time to mention all of the South Dakota women who occupy important State and national leadership positions, but the following list is representative of the significant role South Dakota women play in agriculture:

Joyce Jobgen of Scenic has served as national treasurer for American Agriculture Movement for the past 4 years. She is also a valuable member of my own Agricultural Advisory Committee.

Carol McKenna of Zeona serves as Farmers Union representative to the Agricultural Women's Leadership Network, a consortium of organizations whose members represent 1 million women in agriculture across the United States.

Marie Fisher of Winner is actively involved in Women Involved in Farm Economics [WIFE], in which she serves as the representative for sheep and wool producers. Mrs. Fisher is also a valuable member of my Agricultural Advisory Committee.

Janet Hurlbert of Clark was honored as the 1991 South Dakota Farm Bureau Woman of Honor.

Women in agriculture benefit their families, communities, State and Nation. They deserve more recognition, not only on this day which has been set aside in their honor, but throughout the year.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOMEN IN AGRICULTURE

(By Mary Brashier)

"The man is the 'primary operator' of the farm or ranch. But what about the woman?" asks Rebecca Lafferty, formerly of the South Dakota State University Economics Department in Brookings and now a farm manager in her own right.

"Every time she characterizes herself as 'just a farm wife,' society's been willing to believe her," she said.

Lafferty believes South Dakota farm and ranch women are making far more significant contributions to the state's agriculture than previously reported. She bases her view on the resuits of a survey of South Dakota women in agriculture, conducted in late 1990, and on personal interviews with farm and ranch women across the state. (Quotes below not attributed to Lafferty are from the survey and interviews.)

Lafferty found a sense of pride and of personal worth among most women in her survey, if often not so clearly stated.

Sixty-nine percent of the women surveyed reported they were joint operators, sharing both day-to-day and long-range decisions with their husbands.

Nineteen percent said they had no input into decisions outside the house. Others were either sole operators or chose not to answer the question.

"Rural women of the 1990s are heavily involved in long-range management. This is most noticeable in whether to buy or sell land; 84 percent of those decisions were reported to be made jointly by husband and wife. Buying farm equipment, starting a new enterprise, making retirement plans, and deciding to borrow money ranked right up there," Lafferty said.

The specific duties varied, but the number of statements such as this surprised even Lafferty. Similar surveys from other states had prepared her to expect that the women would perform mostly support roles—bringing lunch and running errands, for example.

A pattern in the survey responses emerged. Depending slightly on location in the state, ranch and farm women did jobs calling for a high degree of physical labor. They walked beans and performed other field work that did not require mechanical labor. Mostly, they fed cattle, nursed sick animals, checked fences. If caring for livestock meant supervising the other members of the family or the hired help, they gave the necessary orders.

"Working with animals is where women shine. They have the patience to take extra time, to check the calving stalls every two hours during the night. They know what's at stake," Lafferty said.

Nearly half, 49.5 percent, of the women in the survey had current off-farm jobs. Lafferty found that 72 percent had held paying jobs off the farm sometime in their lives.

"This is creating a strain," Lafferty said. "Although many of the women felt their off-farm jobs provided personal rewards as well as an income, the survey results made it clear that their duties on the farm did not decrease when they took on a job in town. The women still expected—or were expected—to work on the farm, keep the house and garden, do book work, run errands, and—if they were a young couple—care for the children."

The survey revealed that when women began working off the farm, they not only retained their role in long-range decision making but actually worked harder and longer at farm labor.

"The main reason women gave for working off the farm was that the family needed the extra income.

"They did not complain about their lot. They're still part of the team. They're tired, but happy," Lafferty said.

In various forms, Lafferty heard this often from the women in the survey.

"In 1979, an extensive survey was commissioned by the USDA to see if its programs met the needs of women. They didn't then, and there still are barriers that keep women from participating more fully in agriculture," she said.

There are friendly government offices, she added. "Some of the women said they walk in with computer printouts from their operations and get great cooperation."

Two other barriers to greater participation in the ag operation surfaced frequently in the survey. One was the family's perception of the women as housekeeper, cook, and child care provider. Another was the lack of opportunity to update skills and take advantage of modern farming technology.

"Agencies and institutions have missed the boat," Lafferty said. "They've tailored their educational programs to the primary operator and overlooked the other half of the farm team.

"Yet this survey shows that most husbands and wives are well aware that agricultural production and management have become too complex and too difficult for one individual to mentally and physically handle," Lafferty said.

"They are full and equal partners in the farm or ranch operation, and they know it, and they want it that way. In my opinion, that goes a long way toward explaining the strength of agriculture in South Dakota."

KEVIN SCHIEFFER: U.S. ATTORNEY FOR SOUTH DAKOTA

Mr. PRESSLER. Mr. President, I rise today to speak of an example of service to America. Kevin Victor Schieffer is South Dakota's new U.S. attorney. A more dedicated and talented public servant would be hard to find.

I admit to some bias, as Kevin served the people of South Dakota and me well for 10 years as a member of my staff prior to being appointed by President Bush to this most important position. However, I rise today not only out of a sense of pride over what my friend has achieved, but because I want each of my colleagues to understand better what it means to be the attorney representing the United States in a State like South Dakota.

The role of U.S. attorney in a rural State like mine may not be as glamorous or as high profile as that in our more populous States. However, it is every bit as important and has its own unique challenges. I know Kevin will meet every challenge well. For instance, South Dakota is faced with a drug problem quite different—but every bit as real—as that in Washington, DC, or New York City.

An even more unique charge of South Dakota's U.S. attorney involves situations connected with Indian country. This involves law enforcement responsibilities, of course, but, in a very real sense, it also has much to do with the improvement of relations between Indians and non-Indians.

U.S. Attorney Kevin Schieffer recently explored these and other issues in a radio interview broadcast in South Dakota. He eloquently outlined his role better than I ever could. For this reason, I ask unanimous consent that a transcript of that interview be inserted in the RECORD following these remarks. I commend the dialog to anyone seeking a better understanding of the challenges of Federal law enforcement in America's heartland.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

WSN RADIO INTERVIEW WITH KEVIN V. SCHIEFFER, U.S. ATTORNEY, AIRED JANUARY 19, 1992

I'm Jim Davis and this is another addition of Spectrum on this Sunday, the 19th day of January, hope you're having a good weekend. We're talking with Kevin Schieffer, the current and new U.S. Attorney for the State of South Dakota, the judicial district that I guess would include the State of South Dakota. Kevin is the former Chief of Staff of Senator Larry Pressler in Washington and if I'm not mistaken a Yankton native. Welcome to the program sir.

KEVIN: Well, thank you very much Jim. Glad to be here.

JIM: Good to have you with us. The U.S. Attorney I guess is someone that most people don't think of, don't run into, don't have anything to do with. Most people couldn't tell you your name or your predecessor's name or you know anywhere down the line, at least in South Dakota. You get into the

bigger cities where that it's a more to more high profile position, you know from the City of New York or Chicago or Brooklyn or Bronx or those attorneys, U.S. attorneys tend to get more publicity I suppose because of mob crimes for lack of a better term.

KEVIN: Sure.

JIM: What does the U.S. Attorney for the District of South Dakota do?

KEVIN: Well the U.S. Attorney actually wears several hats. First of all, the kinds of litigation we're involved in is both civil and criminal so you do a lot of work representing the United States Government. In civil actions where somebody is suing the United States Government, you're defending. Where the United States will take affirmative action, whether it's in a civil rights case or bankruptcies or foreclosures, what have you, you're again representing the United States Government as an advocate for the government. That is on the civil side of the scale.

On the criminal side of the scale we enforce the laws passed by Congress in South Dakota. That consists primarily of quite a few drug cases; do a lot of work in that area. But also South Dakota is somewhat unique in that we have a great deal of cases coming from Indian country. Indian country is a term of art in the legal world. In South Dakota we have quite a few cases coming from there and the United States Attorney prosecutes those because of jurisdictional concerns you've heard so much about in the news recently. There is no state jurisdiction there so the local state's attorney, for example, cannot prosecute many of those cases. We do have a tribal court system and they prosecute certain cases but they're primarily misdemeanor kinds of cases; and so the only thing left, if you will, the prosecuting authority in Indian country for major crimes is the United States Attorney. So, we're involved in a lot of those cases.

JIM: The term Indian country that you used, surprised some people I think when you used it because you used it before.

KEVIN: Yes.

JIM: Is that a judicial term that * * *

KEVIN: Yes, it's a judicial and statutory term. There is a definition for Indian country.

JIM: Now would that just include reservations or would that be other areas.

KEVIN: That's an excellent question, Jim. It doesn't include just reservations. You would have, for example, there are actually three categories, if you're going to define it very broadly. One is within the exterior boundaries of a reservation. A second is what is called a dependent unit, which I could explain a little bit. For example in Winner, South Dakota, which is not within the exterior boundaries of any reservation, there is an Indian housing district, if you will * * *

JIM: Right.

KEVIN: * * * a dependent Indian unit that is defined as Indian country. And the third area would be trust lands not within the boundaries of—the exterior boundaries of a reservation. So those are the three categories of Indian country—trust lands that have not been yielded back through the various allotment acts over the years, and that gets into a much more detailed discussion. We could spend the entire time talking about jurisdictional issues and they are extraordinarily important and we will be spending a lot of time on them in my tenure in this office.

JIM: Your predecessor was Phil Hogen.

KEVIN: Uh huh.

JIM: Your appointment by Senator Pressler was a bit controversial. You've not had a lot of courtroom legal experience. I suppose quickly defend yourself in the appointment—not that you have to but you have a chance to if you care to.

KEVIN: All right. Well, sure, and I made that very clear coming into the position. You're right. I don't have a lot of courtroom experience. I've gotten a fair amount of it in the last month by the way, but don't have a lot of courtroom experience. The position of United States Attorney today is much more as a policy maker, as an administrator. I plan to spend a fair amount of time in the courtroom because yes, you are a litigator, as well. But you wear a lot of hats and nobody is going to come into that job steeped in every one of them. When I was going through the interview process it was the first question I raised and as it was explained to me some of our best U.S. Attorneys are lousy litigators and some of our best litigators are lousy United States Attorneys. So that's not the only criteria. It's an important one, but it's one of many. So I don't discount it but the fact is, it is not the role of the United States Attorney to be in the courtroom eight hours a day or 15, whatever, however long of a day you work. I might say I have been extraordinarily impressed with the staff of attorneys and support staff in the office and there are some of the state's best litigators in that office and the last thing they need is another litigator. What we are emphasizing are policy issues, administration issues, and so forth. So to those who have expressed the concern—and as you mentioned there haven't been that many—I really don't think that was the issue. It was more an issue of politics. It's a political appointment and sure the side that lost—the side that lost, lost. And that's the way it goes.

JIM: Should it be a political appointment?

KEVIN: Oh, that's another good question. There is an on-going question about that. Obviously I have a * * *

JIM: Vested interest * * *

KEVIN: * * * vested interest in that so take all of this with a grain of salt. But yes, I think it should be. It is a policy position first and foremost and in a policy position I think people should be held accountable. And in this case, technically, the President of the United States is held accountable for the people that he appoints and those who recommend them. And if I fall down on my face that reflects poorly on the President and on Senator Pressler and those who supported me and I'm going to work very hard to make sure that doesn't happen. But it is an issue of political accountability. That's why we have elections in this country and that's what democracies are about. If you go in the other direction and just put in professional professionals, if you will, in those positions you lose a great deal of accountability and something. That's one side of the coin. Of course there's another and it's something that has been discussed over the years. But we've been doing it this way for 203 years now and it seems to work reasonably well to date.

JIM: Your predecessor Phil Hogen was a member of an Indian tribe and was a Indian, or still is. I mean I didn't mean to make it sound like he's not around, but, and that was a comment made I think by some people that why, why are you replacing somebody with a white in an area, where, I don't know what percentage your work is dealt with Indian situations. You made trips out to the different reservations to meet the tribal leaders. What kind of response did you get?

KEVIN: I got a very warm response. I was very impressed with those I met in Indian country as well as elsewhere. You know, that trip was a little over 2000 miles and about half of it was in Indian country. About half of it was meeting with state's attorneys, county sheriffs, police chiefs and so forth. So it was a mix. But I have received a very warm reception. You know, Phil, yes was a tribal member, as was his predecessor. So I am very sensitive to that. So I'm the first non-Indian United States Attorney in South Dakota in quite a few years. That's not something I have any control over though. So other than to be sensitive to it and to work as fairly and honestly as I know how, there's not a lot more I can say on that subject.

JIM: Did tribal leadership say anything to you about it?

KEVIN: No.

JIM: You've got a couple tribal chairmen that thought, you know, having you in was a good idea. If I remember right, I don't remember names.

KEVIN: Well that's right. It's just like anything else in life. I don't think the tribal chairman nor do I consider myself narrow enough to be preoccupied by something like that. You take the job for what it is and you call the shots as you see them and you go from there.

JIM: How many offices for the U.S. Attorney in South Dakota and how many people on staff.

KEVIN: We have three offices. They are in Sioux Falls, Pierre and Rapid City. We have approximately 35 people on staff and I will be hiring or working on 4 or 5 more in the not too distant future.

JIM: And your budget comes from the Justice Department?

KEVIN: That's right. We're administered under the Justice Department under the authority of the Attorney General and that's who I report to.

JIM: One of the things that is started up in the state and is in, or at least on and around Indian country as the term is used, Indian run casinos, gambling casinos. Has this made your job or the position more difficult; has this added any workload to what you have to do?

KEVIN: It has not significantly to date. But I expect that will be coming in the not too distant future and gaming is one of those issues that's out there on the horizon as a real potential for a flash point in the future, and something we're watching very closely. It's under the rubric of jurisdictional issues—or land mines almost—as I call them. We have the gaming or gambling issue. There's also in the hunting and fishing area some real concern down the road on that. There has been some very significant fundamental changes that may be coming about because of federal litigation in that area. Also on the taxation issue, that's a constantly evolving area of the law and that's gonna be another flash point.

JIM: Even this week.

KEVIN: That's exactly right.

JIM: With the Supreme Court ruling on the Yakima Tribe in Washington having to pay taxes, tribal members, county taxes.

KEVIN: That's exactly right * * *

JIM: Apparently not a major problem or factor here in the state?

KEVIN: As these things develop * * * I hesitate a little bit because I don't want to start anything here. I wouldn't put it in the category of a major problem right now. It's certainly one of those that could develop into that issue. And the other area and something I've spent a great deal of time on already and plan to spend, I have on all of these areas,

but in the jursidiction issue, the fourth category after gambling, hunting and fishing, and taxation is law enforcement problems. You know we have situations, I mentioned a community like Winner or McLaughlin, all around the state where we have what could be—we have tribal law enforcement and we have county law enforcement and local law enforcement and it presents a real problem to those on the front line when, you know, it makes a difference if the victim is a tribal member or not a tribal member. It makes a difference if the perpetrator is a tribal member or not a tribal member. It makes a difference on who's land it is. And the poor guys on the front line don't know: "well should we send this person there or that person there, let's take out the plot and look at what land it is and who did it." It's just a really confusing situation and we need a lot more coordination and support for the guys on the front line there. And that's an area that we'll be spending some time working on, as well. They do a superb job with the jurisdictional nightmare in which South Dakota Law Enforcement finds itself right now but they need some better support and clear guidelines on how to approach those kinds of cases. And we're going to see that even more particularly in the gaming area when that is up and running full speed. And we're going to have a lot of problems there. We have a local fight that breaks out in the local casino and depending on how the casino is defined, who throws the first punch and who gets hit, three or four different police departments could be called and one might be able to serve it and the other one might not be and it's a very confusing situation.

JIM: One of the other high profile areas you're involved in you talked about earlier is the drug situation. DEA, of the releases that you issued from your office since you have been there, most of them have been drug related. How big a problem? Is it getting worse, getting better and can it be solved?

KEVIN: It is a big problem. I hesitate only because I come here after spending ten years in Washington, DC. As you mentioned at the beginning of the program, I'm from Yankton or the Yankton area. I was born just south of Yankton, right between Crofton, Nebraska * * *

JIM: On * * *

KEVIN: * * * almost on the river, on the Nebraska side of the river. So I'm from that area. I go from there. The last ten years I have lived in Washington, D.C. And now I'm coming back to Sioux Falls. So I've kind of gone from small town to big city back to big town, I guess if I were to define it. Compared to Washington, D.C., if you asked me do we have a drug problem, I would say yes but not bad. But if you're living in Sioux Falls, South Dakota, you bet, we have a drug problem and it's an area where we're going to crack down. Part of my effort in this area is to make sure that those coming in from outside of the state know that the penalties and the attention and the resources dedicated to it are going to be much more severe in South Dakota than they might find in Miami or Washington, D.C., or a New York City. That is, we prosecute what they would consider small fry cases out there. And we do so vigorously and given the strong federal penalties that are available we can do a good job of that. And the attorneys on staff handling that area do a spectacular job. We have two attorneys that are—do full time drug cases. And somebody comes in—particularly we have cases where people are coming in from out of state, whether it's Florida or what not, the suppliers, the folks that we're after in a case that they wouldn't even be prosecuted for in Miami, Florida. They're going to jail for 20 years in South Dakota and that sends a pretty clear message. Let's stay the hell out of South Dakota because it doesn't pay and that's the message we're trying to get out.

JIM: An acquaintance of mine in law enforcement, we were discussing a week or so ago, the drug problem. He said Interstate 29 from Sioux City up to Winnipeg is for all practical purposes a drug sewer and it's surprising the number of vehicles that could be stopped and what they could be arrested for. What's the biggest drug of choice, for lack of a better term, problem, more coke?

KEVIN: Cocaine.

JIM: OK.

KEVIN: Cocaine, cocaine, cocaine, yes. There are others coming on, but yes, that's the drug of choice.

JIM: What, you have two lawyers on staff working and those two are here in Sioux Falls.

KEVIN: One's in Sioux Falls and one is in Rapid City, and other lawyers are involved in drug cases. Matter of fact, as scary as it might sound, they are even trusting me with a drug case. So we have other lawyers that are involved in drug cases but two that do it full time and nothing but.

JIM: Rapidly, we got a minute and a half or two minutes * * *

KEVIN: OK.

JIM: Let's talk a little bit about your exboss, Senator Larry Pressler. What's the one thing, I mean we could probably tell war stories here, but that's probably not nice, but what's the biggest misconception that South Dakotans might have about Senator Larry Pressler.

KEVIN: South Dakotans might have about Larry Pressler?

JIM: Uh huh.

KEVIN: Oh, I think South Dakotans have him figured out pretty well. He's been there for a long time and I hope will be there for a longer time. He is a great Senator and does a superb job. He works very hard. He's done an awful lot for me over the years. When I started working for Larry Pressler I was living in my car. So he gave me my first real break in the professional world and I started out in his mail room and he's trusted me over the years and given me increased authority and I hope I've lived up to that. But I think South Dakotans have him figured out pretty well because they keep sending him back. I think there are a few self-anointed politicals around the state who haven't been able to get elected who have a problem. But I think that's more the same kind of political jealousies that you see everywhere.

One of my frustrations almost with Larry Pressler, but one of the things I admire greatly about him, is that he doesn't seem to get down to that level. Somebody in the political realm will go after him, and he knows how to stand his ground and get done what he needs to get done—and he has proved that many times, but he does not hold grudges and he just puts that stuff aside and goes forward and does what he thinks is best for South Dakota. He's a very independent kind of guy. I think that that bothers some people. But if there's one thing Larry Pressler has taught me over the years, it's the importance of maintaining your independence in public service. Don't ever become anyone's crony or anyone's lapdog. You have to maintain your independence and he has done that and I'm very proud of him for it.

JIM: Quickly, we have about 20 seconds. You have been involved in politics for the last 10 years in D.C., with Senator Pressler and to some extent, this job that you have now is political and that's how you got it. What's the political future of Kevin Schieffer, are you gonna run for public office down the road? You've got about 15 seconds now. I'm not going to give you a lot of time on this one.

KEVIN: Well, if I have 15 seconds, I'll try to stonewall you for 15 seconds. (Laughter) No, I truly—and everybody asks that question—I don't have plans beyond doing this job the best I can and we'll see how that goes.

JIM: Thank you very much. That's all the time we have for today.

KEVIN: Thank you, Jim.

INTERPRETING THE PRESSLER AMENDMENT

Mr. PRESSLER. Mr. President, the world today is poised, perhaps as close as it has ever been, to achieving the dream of world peace. No longer is our planet engaged in a bipolar contest, a world living under the threat of global nuclear war.

Yet the Government of Pakistan continues to proceed along the path of nuclear club membership. I have worked against the proliferation of nuclear arms for years in the Senate, and it is frustrating to see that our own State Department seems not to share the concern of Congress with Pakistan's Nuclear Program.

Last month, when Secretary of State James Baker appeared before the Foreign Relations Committee, I inquired about the administration's policy on the Pressler amendment. Agreed to as part of the 1986 Foreign Assistance Act, the amendment was designed to force Pakistan to curtail its growing nuclear capability. Since 1990, the President has been unable to certify that Pakistan does not possess a nuclear explosive device. Consequently, as provided in the amendment, all foreign assistance to that country has been terminated. However, the State Department continues to allow the licensing of commercial military parts and technology sales to Pakistan.

Mr. President, I am an attorney, but I do not believe it takes one to understand the Pressler amendment. To quote from the amendment, "no assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan. * * *" The language seems quite clear. By licensing the export of arms and military technology to the Government of Pakistan, it seems to me the State Department is in violation of both the letter and the spirit of the Pressler amendment.

The Department of State has furnished me with an unsigned memorandum outlining its rationale for its interpretation of the amendment. As I told the Washington Post, it reads like a paper for political science 101. The paper did not fully address the questions I raised with Secretary Baker during the Foreign Relations hearing.

During my tenure as a lawyer at the Department of State, departmental interpretations of legislation were based on memorandums of law in a specific format and signed by an attorney. It was my understanding that Secretary Baker was referring to just such a document when he said "as a legal matter it is the view of our lawyers that the [Pressler amendment] does not apply to commercial arms sales or exports."

The paper simply does not answer how the State Department, as a matter of law, can permit private sales in the light of what appears to be a straightforward statutory ban on the sale or transfer of any military equipment or technology to Pakistan. Mr. President, the memorandum I received from the State Department is not a memorandum of law, but I ask unanimous consent that it be inserted in the RECORD at the conclusion of my remarks so it may be evaluated by our colleagues.

Mr. President, I would also like to share with my colleagues a legal analysis of the administration's position paper, prepared by the American Law Division of the Congressional Research Service [CRS] at my request. I commend Raymond Celada, senior specialist in American public law at CRS, for his excellent work on this memorandum. The legal analysis presented in the CRS memorandum is exactly the kind of information we need to resolve this matter. It will be highly useful in the continuing debate. The CRS memorandum concludes that while the State Department's position is plausible, the Department's reasons for "nonapplication [of the Pressler amendment] seem open to serious question." I ask unanimous consent that this legal memorandum also appear in the RECORD following my remarks.

In letters to the chairman and ranking member of the Senate Foreign Relations Committee last week, I requested that hearings be scheduled to examine the administration's interpretation and application of the Pressler amendment. I would also like to explore the level of congressional consultation engaged in by the State Department in developing its interpretation. Finally, I hope to examine the implications of a policy that allows weapons to be sold but forbids humanitarian assistance, all in the name of arresting Pakistan's ability to build a nuclear weapon. These are matters of such grave importance that I believe the issue must be spread upon the record.

Mr. President, I ask unanimous consent that several articles on this controversy, as well as the State Department's paper and the Congressional Research Service legal memorandum be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Memo Received From State Department]

PRESSLER AMENDMENT: LICENSING OF ARMS EXPORTS PURSUANT TO PRIVATE SALES

On February 5, 1991, during hearings on another subject before the Senate Foreign Relations Committee, Secretary Baker was asked by Senator PRESSLER whether the "Pressler Amendment" concerning assistance and military sales to Pakistan applied to the licensing of arms exports pursuant to private sales. The Secretary responded that the Administration had concluded that it did not apply, but had adopted a restrictive policy on such licenses designed to preclude the acquisition of new military capabilities by Pakistan. This paper is a recapitulation of the reasons why a suspension of such licensing was not legally required by the Pressler Amendment.

The Pressler Amendment was adopted in 1985 as a new section 620E(e) in the Foreign Assistance Act (FAA). The Presidential certifications called for by this Amendment were made in the five years immediately following its adoption. However, the President was unable to make that certification for FY 1991, with the result that the prohibitions of the Pressler Amendment first took effect in October 1990 (the beginning of FY 1991).

Because the President was able to make the required Pressler Amendment certifications for FY 1986 through FY 1990, the Executive branch did not need during that period to resolve all the potential issues relating to the scope of its prohibitions. It is noteworthy, however, that during the first weeks of each fiscal year prior to the President's certification, the question did arise as to how the Amendment's prohibitions should be applied pending the President's decision. While it was decided that funds should not be obligated nor FMS sales made during such a period, there was never any serious suggestion that the licensing of arms exports pursuant to private sales had to be suspended or modified. This reflected the Administration's confident belief that the Amendment had no application to these private transactions.

The issue of whether the Amendment applied to licensing of such private exports was among those addressed within the Administration when it became clear that a certification might not be made for FY 1991, and again it was concluded that the Amendment did not apply, but that a restrictive policy should be adopted with respect to the licensing of private exports to preclude the acquisition of new military capabilities by Pakistan. This policy was restated in the January 1991 issue of the Defense Trade News (a bulletin provided to the defense trade community by the Department's Politico-Military Bureau), where it was reiterated that assistance and Government sales had been suspended because of the legal requirement of the Pressler Amendment, and that (though not required by the law) the Department would "consider only those license applications for defense articles and services that are necessary to maintain and operate defense systems already in the Pakistani inventory." As indicated in the following, the Department informed Congress of this position in a series of periodic reports called for under the Arms Export Control Act (AECA).

1. *It is not reasonable to interpret the language of the Pressler Amendment as prohibiting Executive branch licensing of arms exports pursuant to private sales.*

The Pressler Amendment provides:

"No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device."

Like the rest of the Foreign Assistance Act (FAA), the Pressler Amendment is directed to the U.S. Government rather than to private parties. But in a private arms export transaction (assuming the Government does not provide financing for the sale), the Government neither "furnishes assistance" to the recipient country, nor does it "sell" or "transfer" the items in question—which are the only actions prohibited by the Amendment. By its plain language, the Amendment thus does not apply to Government licensing of such arms exports, and indeed has no apparent applicability to such private arms transactions at all. If the purpose of the provision were in fact to direct the Executive branch to cease granting export licenses in such cases, Congress would have enacted a direct prohibition on the granting of such license, as it has consistently done in other cases.

Furthermore, the Pressler Amendment does not prohibit sales or transfers generally, but only sales or transfers "pursuant to the authorities contained in" the AECA or any other act. This is not relevant to private arms transactions. Neither the AECA nor any other act *authorizes* private arms sales and transfers, which do not require statutory authorization. Rather, section 38 of the AECA provides for the imposition by the President of licensing controls on the export and import of such items. Section 38(a)(3) specifically distinguishes this licensing process from "sales under the Act"—language which the Act clearly uses to refer only to U.S. Government sales.

In addition, the rest of the Pressler Amendment (as well as the statutory section of which it is a part) confirms that it applies to U.S. Government assistance programs and not to private arms transactions. Under the Amendment, the President must certify not only that Pakistan does not possess a nuclear explosive device, but also that "the proposed United States assistance program" will reduce significantly the risk that Pakistan will possess a nuclear explosive device. Likewise, the Pressler Amendment is an amendment to section 620E of the FAA, which is entitled "Assistance to Pakistan", and the remainder of the section describes the purposes Congress hoped to achieve through U.S. "assistance" to Pakistan.

These references to U.S. "assistance" cannot reasonably be read to apply to the licensing of arms exports pursuant to private sales that are contracted, priced and financed through private arrangements, and which are not generally regarded as "assistance" to a foreign country. (This is in contrast to FMS sales by the U.S. Government, which do provide foreign purchasers the important benefits of U.S. Government contract, pricing and program arrangements—as well, in many instances, of financing for the sales.)

2. *Licensing of arms exports pursuant to private sales have consistently been treated as not covered by statutory language comparable to that used in the Pressler Amendment.*

Statutory provisions in foreign assistance legislation referring to sales or transfers under the authority of the AECA or other acts, and not referring specifically to the licensing of private transactions, have consistently been interpreted as not applying to private arms exports. Some notable examples are (emphasis added):

Drug producing countries. The prohibition in section 681 of the FAA on assistance to major illicit drug producing countries includes "*sales . . . under the Arms Export Control Act*" and does not specifically mention private transactions licensed under that Act. This prohibition has accordingly not been applied to such private transactions.

Countries violating the terms of U.S. military sales. The requirements of section 3(c) of the AECA with respect to countries that may have violated the terms of previous sales apply to "*defense articles or defense services furnished under this Act, or any predecessor Act*"; private transactions licensed under these acts are not specifically mentioned. These requirements accordingly have not been applied to private transactions involving defense articles or services.

Notifications to Congress. The requirements of section 36(b) of the AECA with respect to notification of proposed sales to Congress apply to certain categories of offers "to *sell any defense articles or services under this Act*" and private transactions licensed under the Act are not specifically mentioned. These requirements accordingly have not been applied to such private transactions.

Prohibitions on specific countries. Section 728 of the International Security and Development Cooperation Act of 1981 prohibited various transactions with respect to *El Salvador* until certain certifications were made. Subsection 728(c) required the suspension of "*all deliveries of defense articles, defense services,* and design and construction services to El Salvador which were *sold under the Arms Export Control Act*" after the date of enactment of the section, but no specific reference was made to private transactions. Likewise, section 566 of the 1989 Foreign Operations Appropriations Act prohibited the issuance of "*letters of offer and acceptance*" to *Qatar* but made no specific reference to the licensing of private exports. These sections have not been applied to such private transactions.

The same is true with respect to the prohibitions on transactions with *Panama* contained in section 561 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990. That section covered "*sales . . . under the Arms Export Control Act*" as well as transfers of defense articles by other agencies, such as the CIA, but did not mention private transactions. The section was accordingly not applied to such private transactions (although as a matter of policy, the Department did not issue licenses for private arms exports to Panama during the period of its applicability).

Congress is and has been well aware of the manner in which the Executive branch has consistently interpreted such statutory language. Each year, pursuant to a statutory requirement, the Executive branch submits periodic reports clearly identifying the countries which are expected to receive (among other things) FMS sales or private export licenses. In particular, Congress has been well informed of the precise manner in which these prohibitions have been applied in cases such as El Salvador, and has changed the scope of the prohibitions by further statutory enactment when it believed such changes were called for.

Since the prohibition in the Pressler Amendment took effect in October 1990, the Administration has clearly informed Congress of intent not to discontinue granting export licenses for private arms sales to Pakistan (while at the same time maintaining a restrictive policy on issuing such licenses to prevent the acquisition by Pakistan of new military capabilities). For example, in each of the unclassified quarterly reports to Congress required under section 36(a) of the AECA since October 1990, the Administration included the amounts of arms exports to Pakistan pursuant to private sales. The same is true with respect to the Congressional Presentation Documents for FY 1992 and 1993 that were provided to Congress pursuant to section 25 of the AECA, which listed the total anticipated value of such exports.

3. *When Congress intends that provisions in foreign assistance legislation apply to private arms transactions, it consistently uses language making clear that intention.*

The great majority of the provisions of U.S. legislation on foreign assistance and arms transactions apply only to Government sales, the use of U.S. funds for the financing of private arms sales, or other forms of U.S. assistance. On occasion Congress has also provided for the application of such provisions to private transactions not financed by the Government. Recognizing that this is an unusual step, however, Congress has consistently used clear and specific statutory language to do so. Some notable examples are (emphasis added):

Human rights violations. The provisions of section 502B of the FAA concerning governments which commit human rights violations are, under subsection (d)(2)(B), applicable to "*sales of defense articles or services * * * under the Arms Export Control Act*" and are, under subsection (d)(2)(C), applicable to "*any license in effect with respect to the export of defense articles or defense services*" of certain types "under section 38 of the Arms Export Control Act." Subsection (d)(2)(C) would have been superfluous if Congress thought "sales under the AECA" included the licensing of private exports under the same act.

Notifications to Congress. The provisions of section 3(d)(3) of the AECA concerning notification to Congress of consent to retransfers apply to certain defense articles or defense services, "*the export of which has been licensed or approved under section 38 of this Act * * **" Similarly, the provisions of section 36(c) concerning notification of transactions apply to any "application by a person other than with regard to a sale under section 21 or section 22 of this Act) for a *license for the export* of * * *" certain other categories of defense articles or services. These provisions are in clear and deliberate contrast to other notification provisions of the AECA, which refer to sales under the Act but not to private exports licensed under the Act.

Harassment of persons in the U.S. Section 6 of the AECA, concerning countries engaged in harassment of persons in the US, states that "*no letters of offer may be issued*" to such countries, and then separately states that "*no export licenses may be issued under this Act*" with respect to such countries.

Countries supporting international terrorism. Section 40 of the AECA, which applies various sanctions to countries supporting international terrorism, also treats private transactions separately from sales under the AECA or other acts. Subsection (a)(1) prohibits "*exporting or otherwise providing (by sale, lease or loan, grant, or other means), directly or indirectly, any munitions item * * * under the authority of this Act, the Foreign Assistance Act of 1961, or any other law * * **." Subsection (a)(4) separately prohibits "*providing any license or other approval under section 38 of this Act for any export or other transfer * * * of any munitions item * * **." Clearly Congress treated its prohibition in subsection (a)(1) on sales under the authority of the AECA or any other law as not applying to the licensing of private exports, which had to be separately covered in subsection (a)(4).

Prohibitions on specific countries. Sections 725 and 726 of the International Security and Development Cooperation Act of 1981 imposed prohibitions on various transactions with *Argentina* and *Chile* until certain certifications were made. Each of these sections contains a prohibition on sales of defense articles and services under the Act, and a separate prohibition on the issuance of export licenses for private transactions. This is in conspicuous contrast to Section 728 of the same act (noted above), which contains only a prohibition on deliveries of defense articles and services, and therefore has not been applied to private transactions.

Likewise, section 586G of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1991 contains in subsection (a)(1) a prohibition on "*any sale with Iraq under the Arms Export Control Act*" and, in subsection (a)(2), a separate prohibition on the issuance of licenses for the export to *Iraq* of any Munitions List items. Similarly, section 620(x) of the FAA, which imposed restrictions on transactions with respect to *Turkey* until certain certifications relating to Cyprus were made, applied by its terms to "*all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means)*" and separately to "*all licenses with respect to the transportation of arms, ammunitions, and implements of war * * **."

4. *The legislative history of the Pressler Amendment confirms that it was meant to apply to U.S. Government sales and assistance, but not to licensing of arms exports pursuant to private sales.*

Although the Pressler Amendment was enacted in 1985, it originated in the previous year. The Senate Foreign Relations Committee (SFRC) reported out the Pressler language in April 1984. The SFRC Report (S. Rep. No. 98-400) referred repeatedly to the prospective termination of the U.S. assistance program for Pakistan (e.g., p. 19, 59), but did not refer to private arms sales to Pakistan. It expressed a specific preference for the Pressler language requiring the additional certification that the U.S. assistance program for the fiscal year in question would reduce significantly the risk that Pakistan would possess a nuclear explosive device, stressing the importance of the U.S. assistance program as an incentive for Pakistani restraint.

Further, the 1984 SFRC Report states (at p. 19) that "This amendment extends the current standards for terminating assistance from detonation to possession of a nuclear device." This was a reference to section 670 of the FAA, which applies by its terms to U.S. assistance, including credits and guarantees for FMS sales, but clearly does not apply to the licensing of arms exports pursuant to private sales. Thus the Committee's statement shows its intent to apply the sanctions of other nonproliferation sections to Pakistan if it possessed a nuclear explosive device, but not to expand the scope of the prohibition to encompass private sales. During floor debates on this question, the proponents of action against Pakistan stressed the importance of suspending U.S. assistance and of the pending FMS sale of F-

16s by the Government if the terms of the amendment were not met, but the licensing of private arms exports was not addressed.

No foreign assistance legislation was adopted in 1984, but in 1985 the Pressler Amendment was adopted as part of the 1985 foreign assistance legislation. The 1985 committee reports for both the Senate (S. Rep. No. 99-34) and the House (H. Rep. No. 99-39) were consistent with the description of the Amendment in the SFRC's 1984 report. The importance of the U.S. assistance program and FMS sales was stressed; but no mention was made of licensing of private sales.

The Senate report stated (at p. 14) the the Amendment "is directed to Pakistan because that country is the only aid recipient with a statutory exemption from the existing nuclear non-proliferation requirements contained in Section 669 of the Foreign Assistance Act." (President Reagan had previously waived section 669—which deals with unsafeguarded transfers of enrichment equipment and technology, and section 670—which deals with unsafeguarded transfers of reprocessing equipment and technology, with respect to Pakistan. These sections apply by their terms to U.S. assistance, including credits and guarantees for FMS sales, but clearly do not apply to the licensing of arms exports pursuant to private sales.) Similarly, the House report stated (at p. 99) that "Pakistan is the only country for which waivers of sections 669 and 670 of the Foreign Assistance Act are currently in force; hence its particular attention to Pakistan." Once again, this confirms that the intent was to apply to Pakistan other statutory prohibitions concerning nonproliferation if it possessed a nuclear explosive device, but not to extend the scope of those prohibitions to private transactions.

We are aware of nothing else in the brief legislative history of the Pressler Amendment that is inconsistent with these conclusions. In particular, we are aware of nothing that would indicate that Congress thought it was taking the unusual step of suspending private arms transactions, which it has elsewhere done only with specific language and a clear indication of Congressional intent.[1]

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 10, 1992.

To: Hon. Larry Pressler. Attention: Tom Hohenthaner.

From: American Law Division.

Subject: The Pressler Amendment and Private Arms Sales to Pakistan.

This memorandum is in response to your inquiry of February 26, 1992 requesting our comments regarding the position recently taken by the Department of State that the licensing of arms exports to Pakistan pursuant to private sale is not subject to the restrictions contained in the Pressler Amendment because the latter does not apply in these circumstances.

The Pressler Amendment or the provision of the International Security and Development Cooperation Act of 1985 offered by Senators Mathias, Pressler, and Boschwitz, Senate Report No. 99-34 (1985), page 14, is section 620E(e) of the Foreign Assistance Act (FAA), codified at 22 U.S.C.A. §2375(e). It provides:

"No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, *pursuant to the authorities contained in this chapter [Chapter 32—Foreign Assistance or any other Act*, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device." (Emphasis supplied.)

In summary, the Pressler Amendment requires the President, as a condition for further assistance and sales or transfers of military equipment or technology, to certify that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance will significantly reduce the risk of Pakistan possessing such a device. In reporting the amendment to the Senate, the Foreign Relations Committee seemed faced with a pair of unenviable choices, namely shutting down assistance and military sales to Pakistan in circumstances fraught with adverse consequences to the national security interests of both countries and continuing such assistance and sales and, in the view of some persons, impliedly rewarding Pakistan for its anti non-proliferation activities. The Committee report thus states:

". . . that continued U.S. assistance to the people of Pakistan is in the national security interests of both countries. The Committee is deeply concerned by the continued development of military capabilities in Pakistan's unsafeguarded nuclear program which jeopardizes future U.S. economic and military assistance.

"The amendment is directed to Pakistan because that country is the only aid recipient with a statutory exemption from the existing nuclear non-proliferation requirement contained in section 669 of the Foreign Assistance Act. The Committee is also deeply concerned about nuclear proliferation risks worldwide. Senate Report No. 99-34 at 14."

During a February 5, 1992 appearance before the Senate Foreign Relations Committee on another matter, Secretary of State James A. Baker III was essentially asked by Senator Larry Pressler to reconcile the requirements of the amendment bearing his name and allegations of "continuing . . . private commercial sales of certain military items to Pakistan. . . ." Secretary Baker answered that because of some initial uncertainty regarding the reach of the Pressler Amendment the Department gave it a broad interpretation, that is, interpreted it as "cut[ting] off all foreign assistance" to Pakistan. (In light of the State Department's subsequent position regarding the implications for the licensing of arms exports pursuant to private sales of the word "assistance", initial application of the Pressler Amendment in the across-the-broad manner indicated by the Secretary seems both interesting and revealing.)

Secretary Baker went on to say that the initial interpretation of the Pressler Amendment was revised following a "careful review" which concluded that one, it does not apply "to commercial sales or exports controlled by the Department of Commerce" and, two, "that as a legal matter it's the view of our lawyers that it does not apply to commercial arms sales or exports. And so we look at *munitions and spare parts* that are necessary to maintain the Pakistani military at current levels on a case-by-case basis." (Emphasis supplied)

Although the distinction between export sales controlled by the Department of State and those controlled by the Department of Commerce is a plausible one, the export of defense articles and defense services which are contained on the United States Munitions List and which to all appearances includes anything and everything in the way of munitions and spare parts worth having, "is regulated exclusively by the Department of State." 22 CFR §120.4. The vesting of exclusive jurisdiction over arms exports in the Department of State is mirrored in the Department of Commerce export administration regulations which list among "Exports which are not controlled by the Bureau of Export Administration", "[r]egulations administered by the Office of Munitions Control, U.S. Department of State. . . ." 15 CFR §770.10. Although it is true that the export of items not listed on the Munitions List "are generally under the regulatory jurisdiction of the Department of Commerce pursuant to the Export Administration Act . . . and the implementing Export Administration Regulations . . .", 22 CFR §120.4, the virtually all inclusive, if not exhaustive, nature of the items on the Munitions List, makes it difficult to appreciate what meaningful "munitions and spare parts" are regulated by the Commerce Department that justify the non-applicability of the Pressler Amendment suggested by Secretary Baker during his February 5, 1992 testimony.

Since that time, State Department lawyers have prepared a briefing paper which sets forth several *other* reasons for the conclusion that the Pressler Amendment does not bar the licensing of arms exports pursuant to private sales. These reasons include (1) that the language of the Pressler Amendment, conspicuously the terms "assistance" and "military equipment or technology . . . sold or transferred", confine its reach to the United States Government as distinguished from private parties where the former neither furnishes assistance nor sells or transfers military equipment or technology; (2) that the licensing of private sales has not been covered by laws that contain language along the lines of the Pressler Amendment; (3) that statutes applicable to private arms transactions have consistently done so in clear and unmistakable language; and (4) that the legislative history of the Pressler Amendment confirms that its reach only extends to United States Government sales and assistance, not to the licensing of arms exports pursuant to private sales.

Notwithstanding that neither the Pressler Amendment on its face nor circumstances surrounding its passage into law disposes definitively of the issue under discussion, the State Department's reasons for its non-application seems open to serious question. In line with Senator Pressler's February 5, 1992 remarks, we have heretofore assumed that the words "assistance" and "sales and transfers", but most especially "transfers" which is the generic almost universally used to mean arms transactions in the lump, covered the range of activity culminating in the export of arms from the United States, however financed and by whomsoever conducted.

The Pressler Amendment by definition involves arms transfers pursuant to the FAA and of necessity involves those pursuant to the Arms Export Control Act (AECA), 22 U.S.C.A. §2751 *et seq.* It is literally a part of

[1] In fact, the Amendment technically does not even establish a comprehensive ban on FMS sales of "defense articles and services", which is the usual language adopted in such cases. The language of the Amendment covers only the more narrow class of "military equipment or technology", which would technically not cover non-military items sold under the FMS program for military use, or training in military techniques not involving the transfer of technical data.

the former, to wit: "[n]o assistance shall be furnished pursuant to the authorities contained in this chapter [Chapter 32-Foreign Assistance] . . . ." The AECA, the basic authority regulating virtually all other transfers of conventional arms, is implicated for that reason and the language "[n]o assistance shall be furnished . . . and no military equipment or technology shall be sold or transferred . . . pursuant to the authorities contained in . . . any other Act."

As indicated by the briefing paper, the words "assistance" and sale in the context of these two Acts mean arms transfers wholly or partly at United States expense or with United States financing and sold by or through the United States Government, respectively. However when it comes to the phrase in the Pressler Amendment relating to the transfer of military equipment or technology pursuant to the authorities contained in the FAA and in any other laws, express and implied, the briefing paper excludes arms exports pursuant to private sale on the narrow ground that these exports are not authorized by any law. The latter seems to be a crabbed view of word authorities as it relates to the AECA since its language and implementing regulations (the International Traffic in Arms Regulations or ITAR) apply to *all* arms transfers. Stated differently, all arms exports have to be conducted in accord with the rules laid out in the AECA and ITAR. The latter, for example, states that [s]ection 38 of the AECA "authorizes the President to control the export . . . of defense articles and services." 22 CFR §129.10. "Export" for this purpose means, among other things, "(a) *Sending or taking* defense articles out of the United States in any manner; (b) *Transferring* registration or control to a foreign person of any aircraft, vessel, or satellite on the United States Munitions List, whether in the United States or abroad; or (c) *Sending or taking* technical data outside of the United States in any manner except by mere travel outside of the United States by a person whose personal knowledge includes technical data; . . . ." (Emphasis supplied).

It seems clear that jurisdictional linchpin for application of AECA is the export of defense articles and defense services without qualification, not simply the export of defense articles and defense services furnished or sold or transferred by the United States Government. There is no apparent warrant in the AECA or ITAR for limiting the word "transfers" to exclude arms exports pursuant to private sales and the assertion seems to be at adds with the ITAR provision defining the word "export" which elsewhere states rather clearly that sales are but one of various forms of transfers. "Most of the requirements of this subchapter relate only to exports, as defined above. However, for certain limited purposes, the controls of this subchapter apply to *sales and other transfers of defense articles and defense services* . . . ." *Ibid.* (Emphasis supplied). Accordingly, the implicit distinction undertaken by the briefing paper between authorized and regulated by the AECA, for purposes of circumscribing the reach of arms transfers pursuant to the AECA, seems somewhat strained. This and other comments regarding alleged language shortcomings of the Pressler Amendment seem to disregard one of the cardinal rules of statutory construction which is to carry out the intent of Congress. In this connection, Justice Frankfurter observed: "If Congress chooses by appropriate means for expressing its purposes to use language with an unlikely and even odd meaning, it is not for this Court to frustrate its purpose. The Court's task is to construe not English but congressional English. Our problem is not what do ordinary English words mean, but what did Congress mean them to mean." Dissenting, *Commissioner v. Acker*, 361 U.S. 87, 94 (1959). Would it have suited the Congressional purpose in indicating to Pakistan that there is a price to be paid for going its own nuclear way and then leave the arms export gap asserted by the briefing paper's authors? The Pressler Amendment's use of the word "transfer" in the context of arms exports seems neither "unlikely" nor "odd" but in keeping with the general practice that gives it the meaning equivalent to transaction.

The briefing paper's second reason for concluding that arms exports pursuant to private sales are not covered by the Pressler Amendment is that its language is "comparable" to that in other laws which it is asserted do not apply to private arms exports. We note in passing that none of the cited laws contain language very similar, much less identical, to the Pressler Amendment's language; comparable seems a bit too elastic and elusive when precision and probative value are the qualities being sought. See and compare "[n]o assistance shall be furnished to . . . and no military equipment or technology shall be sold or transferred . . . pursuant to the authorities contained in this Act or any other Act . . . ." in the Pressler Amendment *with* the definition of "United States assistance" as "(B) sales, credits, and guaranties under the Arms Export Control Act . . ." in section 481 of the FAA, 22 U.S.C.A. §2291(i)(4)(B), *with* using "defense articles and defense services furnished under this chapter [Chapter 39–Arms Export Control], or any predecessor Act . . ." in section 3(c) of the AECA, 22 U.S.C.A. §2753(c)(1)(a), *with* "any letter of offer to sell any defense articles or services under this chapter [Chapter 39–Arms Export Control]" in section 36(b) of the AECA, 22 U.S.C.A. §2776(b), *with* "suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act" in section 728(c) of the International Security and Development Cooperation Act of 1981, 22 U.S.C.A. §2370 note, *with* "before issuing any letter of offer to sell any defense article or defense service to Qatar . . ." in section 566(d), Foreign Operations Appropriations Act, 1989, Public law 100–461, 102 Stat. 2268, 2268–43 (1988), *and with* the definition of "United States assistance" as "(2) sales, credits, and guarantees under the Arms Export Control Act . . ." in section 561, Foreign Operations Appropriations Act, 1990, Public Law 101–167, 103 Stat. 1195, 1240 (1989).

The briefing paper implies but does not show that the implied exclusion of private transactions claimed for these provisions conforms to the congressional intent or that their administration by the Department of State to exclude private transactions came to the actual as distinguished from constructive attention of Congress. Indeed, in the last mentioned example relating to arms exports to Panama, the briefing paper acknowledges that the Department did not issue licenses for private exports to Panama although by its own account the Department was at liberty to do so.

In this latter connection, the briefing paper implies but never expressly invokes the canon of statutory construction that congressional inaction may be construed as approving administrative interpretation even if unaccompanied by positive act such as reenactment of the law. The most important factor in the application of the canon seems to be congressional awareness of the interpretation when it revisits the same or related provisions. See, e.g., *Zuber v. Allen*, 396 U.S. 168 (1969), *Bob Jones University v. United States*, 461 U.S. 574 (1983). In the second of these cases the Court in finding acquiescence by Congress in administrative interpretation noted Congress' "prolonged and acute awareness of . . . [the controversial] issue." 461 U.S. at 601. The reactions of Senator Pressler and other members to Secretary Baker's February 5, 1992 testimony regarding the reach of the Pressler Amendment seems to fall somewhat short of the described elements.

The briefing paper's third reason for concluding that arms exports pursuant to private sales are not covered by the Pressler Amendment is that when Congress desires to reach them it consistently uses language making clear that intention. The dozen or more statutory examples cited in support of the claim show little consistency, much less uniformity, in language used to achieve the described result. See and compare the language of the Pressler Amendment *with* "sales of defense articles or services, extensions of credits (including participations in credits), and guaranties of loans under the Arms Export Control Act . . ." in section 502B(d)(2a)(B) of the FAA, 22 U.S.C.A. §2304, *with* "any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act . . ." in section 502B(d)(2)(C) of the FAA, 22 U.S.C.A. §2304, *with* "the export of which has been licensed or approved under section 38 of this Act . . ." in section 3(d)(3) of the AECA, 22 U.S.C.A. §2753(d)(3), *with* "[i]n the case of an application by a person (other than with regard to a sale under section 21 and 22 of this Act) for a license for the export of any major defense equipment sold under a contract . . ." in section 36(c)(1) of the AECA, 22 U.S.C.A. §2776(c)(1), *with* "[n]o letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued under this Act . . ." in section 6 of the AECA, 22 U.S.C.A. §2756, *with* "[e]xporting or otherwise providing (by sale, lease or loan, or other means), directly or indirectly, an munitions item . . ." in section 40(a)(1) of the AECA, 22 U.S.C.A. §2780(a)(1), *with* "[p]roviding any license or other approval under section 38 of this Act *for any export or other transfer (including by means of a technical assistance agreement, manufacturing licensing agreement, or coproduction agreement)* of any munitions item . . ." in section 40(a)(4) of the AECA, 22 U.S.C.A. §2780(a)(4), *with* "credits . . . and loans . . . guaranteed with respect to Argentina under the Arms Export Control Act, . . . and export licenses may be issued to or for the Government of Argentina under section 38 of the Arms Export Control Act . . ." in section 725 of the International Security and Development Cooperation Act of 1981, Public Law 97–113, 95 Stat. 1519 (1981), *with* "no sale of defense articles or services may be made under the Arms Export Control Act to Chile . . . no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Chile . . ." in section 726 of the International Security and Development Cooperation Act of 1981, *ibid.*, *with* "[t]he United States Government shall not enter into any sale with Iraq under the Arms Export Control Act . . . [l]icenses shall not be issued

for the export to Iraq of any time on the United States Munitions List" in section 586G, Iraq Sanctions Act of 1990, Public Law 101-513, 104 Stat. 1979 (1990), *and with* "[a]ll military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Turkey . . ." in section 620(x) of the FAA, 22 U.S.C.A. §2370(x). (Emphasis supplied.)

Whether the foregoing statutory sources support the briefing paper's contention that Congress has been consistent in reaching all arms exports, including private transactions, when that is the congressional goal, is a matter of conjecture. To get beyond conjecture and prove or disprove the claimed congressional consistency calls for an analysis of all relevant (not simply the listed) laws and their legislative histories, an enormous undertaking which ultimately might prove inconclusive insofar as a definitive resolution of the issue being considered is concerned. Assuming for the sake of argument the basic thrust of the briefing paper's conclusion in regard to its third point, one thing appears to be beyond controversy: Congress has not been consistent, much less uniform, in the manner or language it has used to accomplish unabridged coverage. Not only has Congress used different language in alleged pursuit of that goal, in the instance italicized in the immediately foregoing recital of laws, Congress has indicated that it understands the word "transfer" to cover the universe of arms exports, including licensed exports. As noted in connection with section 40(a)(4) of the AECA, 22 U.S.C.A. §2780(a)(4), the law states, in pertinent part "*[p]roviding any license* or other approval under section 38 of this Act for any export *or other transfer* . . . of any munitions item to a country . . . ." In brief, just as there are many roads leading to Rome, there appear to be many ways of covering the arms export waterfront including, among others, the Pressler Amendment's use of the words "assistance", "sales", and "transfers."

The briefing paper's final comments regarding the supportive quality of the Pressler Amendment's legislative history do not require extended comment; in the main these consist of several general statements at best directed at the act of furnishing assistance to Pakistan, and generalized conclusions inferred from silence on the subjects of licenses, sales, and transfers. As indicated at the outset, the record surrounding the adoption of the Pressler Amendment seems inconclusive insofar as the issue under discussion is concerned. More persuasive, or so it would appear, are the noted instances of statutory and regulatory language that are in accord with the apparent common, every day practice of using the term "arms transfers" to describe all arms exports. Furthermore, the view of the Pressler Amendment espoused by the briefing paper does not advance the congressional non-proliferation purpose for the amendment but creates a glaring opening by which that purpose may be frustrated.

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[From the Los Angeles Times, Mar. 6, 1992]

DESPITE BAN, UNITED STATES ARMS ARE SOLD TO PAKISTAN

(By Murray Waas and Douglas Frantz)

Despite a ban on military sales to Pakistan by the U.S. government, the Bush Administration has quietly permitted the Pakistani armed forces to buy American-made arms from commercial firms for the last year and a half, according to classified documents and Administration officials.

Among the military items licensed for sale to Pakistan are spare parts for American-made F-16 fighter planes, which form the nucleus of Islamabad's air force, Administration officials confirmed. The volume of sales could not be determined. But officials said the equipment is intended to help Pakistan maintain its current arsenal.

The Administration permitted the sales despite a 1985 federal law, which says that "no military equipment or technology shall be sold or transferred to Pakistan" unless the President certifies to Congress that "Pakistan does not possess a nuclear explosive device."

The ban is part of an effort by Congress to curb the spread of nuclear weapons and to punish nations that actively support such development programs. Pakistan, which has admitted possessing the capability to build a nuclear bomb, is one of a handful of countries that has refused to sign the International Nuclear Non-Proliferation Treaty.

In Senate testimony in January, CIA Director Robert M. Gates described Pakistan's nuclear weapons program and its arms race with India as serious threats to peace and security in the region. Gates acknowledged that intelligence reports have indicated Pakistan is trying to equip its American-supplied F-16 fighters to deliver nuclear weapons.

In October, 1990, the Administration was unable to certify Pakistan's compliance with the law, and the arms ban passed by Congress took effect, freezing $570 million in U.S. military aid. Although the Administration cut off direct country-to-country arms sales at the time, it decided to allow continued private, commercial arms sales to Pakistan, according to documents and interviews.

The sales illustrate how the Administration has used private-sector transactions, looser regulations governing "dual-use" equipment and other methods to get sensitive technology to nations supposedly on embargo lists. Before the Persian Gulf War fractured U.S.-Iraqi relations, Iraq obtained an assortment of valuable U.S. defense equipment through private transactions and export loopholes.

Key members of Congress said they did not learn of the commercial sales to Pakistan until last month. Some said that they believe the sales violate the law.

The first public acknowledgment of the policy came Feb. 5 when Secretary of State James A. Baker III described it to the Foreign Relations Committee in response to a question from Sen. Larry Pressler (R-S.D.). Pressler sponsored the restrictive amendment in 1985 and said that he had heard rumors of commercial arms sales to Pakistan.

"We have carefully reviewed the amendment, we've reviewed the legislative history and as a legal matter, we do not believe it applies to commercial sales or exports controlled by the Department of Commerce," Baker testified. "And so we look at munitions and spare parts that are necessary to maintain the Pakistani military at current levels on a case-by-case basis. Commercial sales are limited, and in our view none are being approved that would contravene either the letter or spirit of the law."

Taking issue with Baker, Pressler said: "Now the amendment . . . did include the language 'no military equipment or technology shall be sold or transferred to Pakistan.' . . . That's fairly hard to argue with."

Baker responded that State Department lawyers concluded that the law does not restrict commercial arms sales to Pakistan.

Several members of Congress who were involved in the fight for passage of the Pressler amendment in August, 1985, as well as others who sit on committees that oversee U.S. foreign policy in South Asia, said they believe that the Administration policy may violate the law. They also said that the sales were kept secret from them until recently.

Sen. John Glenn (D-Ohio), chairman of the Senate Government Affairs Committee, said in an interview that he considers the Administration's actions to be potential violations. He also said he was unaware that the sales had been allowed since October, 1990, until told of them by a reporter.

"Their efforts to bypass and thwart the law of the land are now very clear," said Glenn. "They knew what the intent of the law was. The legislative history is very clear. And it should be their intent or purpose to abide by what we all knew was the intent of the law. It (the 1985 amendment) was signed by the President into law. And then his Administration took steps to not comply with it."

Peter Galbraith, a senior staff member of the Senate Foreign Relations Committee, said the Administration's policy "is a direct violation of both the spirit and letter of the law. . . . The law is very clear. It prohibits all arms transactions of any type to Pakistan unless the President certifies Pakistan does not possess a nuclear weapon."

An Administration official said the decision to allow commercial military sales to Pakistan was first made Oct. 1, 1990, when the President refused to certify that Pakistan was not trying to develop an atomic weapon. Several members of Congress said that, when Baker revealed the policy last month, they thought it had been implemented only recently and did not suspect that the commercial sales had been permitted for nearly 18 months.

An Administration official said Pakistan is allowed to buy spare parts and other items on a munitions list to maintain its military. A classified document describing the policy sets out similar guidelines. The official, who asked that his name be withheld, said that a ban on all sales would have severely damaged U.S.-Pakistani relations.

Leonard Spector, senior associate of the Carnegie Endowment for International Peace, said that an outright ban would have put severe pressure on the Pakistanis, posing the prospect of their "losing their ability to fly their F-16s from want of spare parts. Clearly the Bush Administration did not see the need to continue that type of pressure."

According to the Administration official, selected members of congressional staffs were told about the private sales on an informal basis, if they inquired. The official declined to name the staffers who were told of the policy, saying he wanted to protect their privacy.

On Feb. 7, two days after Baker's Senate testimony, Pakistani Foreign Secretary Shahryar Khan acknowledged publicly for the first time that his country had the capacity to build an atomic bomb. Khan told a gathering at the United Nations: "There was a capability in 1989 when the present government came to power and that means we could have moved forward in an unwise position. But we didn't. Instead we froze the program."

Despite its ability to do so, Khan asserted that Pakistan would not take the final steps to build or deploy nuclear weapons. He said

that the freeze is part of an effort to obtain new American aid and also to lead Congress to do away with the Pressler amendment restrictions.

During the same trip, Khan also stressed that his government would not "reverse" its nuclear capability unless the United States obtains commitments from India to do the same. The two nations have fought three wars since they gained independence in 1947 and occasionally exchange artillery fire.

Although it was widely known for years that Pakistan was engaging in a massive, covert effort to build atomic weapons, the Reagan and Bush administrations were reluctant to take strict measures against Pakistan because of its assistance to U.S. efforts to arm the Afghan rebels, who were fighting Soviet troops in Afghanistan.

Justification for the leniency began to dissolve after Soviet troops withdrew from Afghanistan in 1989.

[From the Washington Post, Mar. 7, 1992]

SHIPMENTS TO PAKISTAN QUESTIONED; COMMERCIAL SALES OF WAR MATERIEL MAY BREAK U.S. LAW

(By Steve Coll and David Hoffman)

A senior Bush administration official said today that the United States issued licenses for more than $100 million in commercial sales of military equipment to Pakistan in 1990 and 1991, actions that some in Congress charge may violate a law blocking aid to Pakistan as long as that country continues its nuclear weapons program.

Congressional officials said they learned of the sales this year when the State Department's own inspector general's office inquired about them as part of an investigation into whether the sales were illegal.

"Many in the State Department are aware that commercial sales to Pakistan do violate the law," said Sen. Claiborne Pell (D–R.I.), chairman of the Senate Foreign Relations Committee. "The State Department's own investigators believed that commercial sales violate the plain meaning" of the law.

The Bush administration stopped most military and economic aid to Pakistan in October 1990 under the provisions of the Pressler Amendment, which states that "no assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan" as long as it possesses a nuclear bomb or a bomb's essential components.

The aid cutoff has crimped Pakistan's influential military, depriving it among other things of dozens of F–16 fighter jets on order, and has sent Pakistani generals scrambling to locate spare parts for their jets, helicopters, tanks and other U.S.-supplied equipment.

But administration officials said that after announcing the aid cutoff, the State Department assisted the Pakistani military by continuing to grant licenses for commercial sales of military equipment, such as spare parts, because the department's lawyers interpret the Pressler ban as applying only to government-financed aid.

A senior administration official said that in fiscal 1991, which began on Oct. 1, 1990, the department authorized "not much over" $100 million in such commercial sales, an amount somewhat below their authorizations in previous years when the aid ban did not apply.

State Department officials defended their decision to authorize the commercial military sales, saying that such transactions had been permitted in similar circumstances in the past, they they were necessary to maintain stable relations with a longtime U.S. ally that has a large Muslim population, and that they had not significantly enhanced Pakistani military capabilities.

"The department has issued licenses for commercial military exports based on a case-by-case review and only for items to support equipment already in the Pakistani inventory," said State Department spokesman Margaret Tutwiler. "The department has not licensed the export of the new military equipment, new technology or upgrades to equipment in the Pakistani inventory."

Some congressional officials involved in drafting and monitoring the Pressler Amendment expressed anger over the administration's actions and said they intended to hold hearings to determine whether the administration acted legally.

Last week, following inquiries about the issue from Congress, the State Department sent an unsigned memorandum defending its position to Senator Larry Pressler (R–S.D.), the author of the Pressler Amendment. The memo cited legal cases supporting the department's interpretation of the amendment and said the administration had complied with all of the requirements of U.S. law while authorizing the commercial sales.

Pressler today described the State Department memo as a "political science paper" that was "unacceptable to me." He said he believes the law he sponsored "bans the sale of private arms. On the face of it the language is clear."

The administration has so far declined to disclose exactly what items it authorized for sale to Pakistan. Some congressional officials said that if the administration approved large-scale shipments of spare parts for top-of-the-line Pakistani aircraft such as the F–16 and the Cobra attack helicopter, then it clearly violated the spirit of the Pressler Amendment. The law, they said, was intended to ensure that the United States would not support Pakistan's military and economy as long as the country pursued a nuclear weapons capability.

Not all of the items licensed for sale by the State Department in fiscal 1991 have been shipped to Pakistan because licenses granted by the department are valid for up to three years, officials said. In its annual budget request for military aid to foreign countries, the department told Congress earlier this year that $22.7 million in commercial military exports had been delivered to Pakistan in fiscal 1991.

In that same request, the department estimated that as much as $1.2 billion in commercial military exports might be delivered to Pakistan in fiscal 1992 and 1993. But some congressional officials said they believed that the figure was highly inflated because of a law that requires the department to estimate each year how much military equipment a given country might need in the most extreme circumstances. In the past, these congressional sources said, actual exports have been 20 percent or less of the estimates.

[From the Los Angeles Times, Mar. 7, 1992]

UNITED STATES KNEW ARMS SALES BROKE LAW, PELL CHARGES

(By Murray Waas and Douglas Frantz)

In unusually strong language, the chairman of the Senate Foreign Relations Committee charged Friday that the State Department has knowingly violated federal law by permitting commercial sales of arms to Pakistan.

"Many in the State Department are aware that commercial sales to Pakistan do violate the law," said Sen. Claiborne Pell (D-R.I.), a co-sponsor of the 1985 law that bars sales of military equipment to Pakistan while that nation is developing nuclear weapons.

Pell was responding to a story in the Times on Friday. The report disclosed that the Bush Administration had permitted Pakistan to buy spare parts for American-supplied F-16 fighter planes and other arms from U.S. firms vital to keeping its military operating.

Sources said the United States had issued munitions licenses for about $100 million in military equipment to Pakistan in 1990 and 1991.

According to Pell, the Foreign Relations Committee learned only recently of the commercial sales policy. The disclosure came after a department employee alerted the State Department inspector general's office and the office opened an investigation, Pell said.

So far, Pell and other angry lawmakers have not indicated what they plan to do in response to disclosure of the sales. On Thursday, another powerful committee chairman, Sen. John Glenn (D-Ohio), said he, too, believes that the sales violate the law. A Foreign Relations Committee staff member said the panel will demand strict enforcement of the law.

Margaret Tutwiler, chief spokeswoman for Secretary of State James A. Baker III, told reporters Friday that the arms sales to Pakistan do not break the law because they are conducted by commercial firms. She repeated Baker's contention that the law covers only direct sales by the U.S. government.

But Pell and other lawmakers challenged that interpretation of the law, called the Pressler amendment for its chief sponsor, Sen. Larry Pressler (R-S.D.). "To permit Pakistan to purchase spare parts for its existing American-supplied arsenal and to make commercial purchases in the U.S. defeats totally the non-proliferation goals of the Pressler amendment and would appear to be a blatant violation of the law," Pell said.

In testimony before Pell's committee last month, Baker acknowledged that commercial arms sales are being allowed. He asserted, however, that State Department lawyers had determined that they do not violate the amendment.

But Pell said other State Department officials believe the sales are illegal. "The committee, which was never informed of the commercial sales, learned of them from the State Department's own inspector general's office * * *," he said. "The State Department's own investigators believed that commercial sales violate the plain meaning of the Pressler amendment."

The law, passed in 1985, says that "no military equipment or technology shall be sold or transferred to Pakistan" unless the President certifies to Congress that "Pakistan does not possess a nuclear explosive device." It was intended to slow nuclear proliferation.

In October, 1990, President Bush told Congress he was unable to certify that Pakistan was not developing a nuclear weapon and the arms ban went into effect. But the State Department continued to permit U.S. firms to sell arms and technology to Pakistan so it could maintain its existing arsenal.

Pell, who sponsored a predecessor to the Pressler amendment, said: "The broad language of both amendments was specifically designed to cover commercial sales. The policy reason for the Pressler amendment was to make Pakistan choose between a sophisticated conventional military capability and a nuclear capability."

[From the New York Times, Mar. 8, 1992]

SENATORS SEEK FULL CUTOFF OF ARMS TO PAKISTAN

(By Steven Greenhouse)

WASHINGTON, March 7.—Senators of both parties said today that they were pressing the Bush Administration to stop all private arms sales to the Pakistani Government, arguing that the practice violates a law barring American military aid there because of Pakistan's nuclear weapons program.

Administration officials assert that the cutoff applies only to government-sponsored arms sales and not so-called commercial sales by companies that are licensed by the State Department.

But Senator Larry Pressler, Republican of South Dakota, who sponsored the arms cutoff, said today that the legislation "was intended to turn off private arms sales to Pakistan as well."

Senator John Glenn, Democrat of Ohio and chairman of the Government Affairs Committee, said: "I think it flies in the face of everything we try to do with regard to Pakistan. They know the intent of that law just as well as anybody else."

Aid has been suspended since the autumn of 1990 under the arms cutoff law, which says that if the Administration cannot certify to Congress that Pakistan's nuclear program is for peaceful uses, all military assistance must be halted and no new economic help sent beyond what is on the way.

The arms sales were publicized in Senate hearings early last month. Soon after, in a gesture to Washington, a ranking Pakistani foreign affairs official, Shahrya M. Khan acknowledged that his country had the ability to make nuclear weapons. This confirmed what American intelligence had already indicated.

INSISTS ON LEGAL OPINION

Mr. Pressler said the State Department had not complied with his request for a memorandum explaining why the commercial arms sales are legal under the cutoff legislation, which is known as the Pressler Amendment.

"If they can't produce a legal opinion signed by their legal adviser, then they can't do it and they shouldn't be doing it," he said in a telephone interview.

The State Department spokeswoman, Margaret D. Tutwiler, said at a briefing Friday that what she called commercial exports of spare parts and maintenance items were continuing.

The Washington Post said in an article today that an Administration official acknowledged that the United States had issued licenses for more than $100 million in military-equipment sales to Pakistan in 1990 and 1991. The article followed a report on the sales Friday in The Los Angeles Times. The arms sales reportedly include spare parts for Pakistan's F-16 fighters and other American-made arms.

The Pressler Amendment, adopted in 1985, says that as long as the Islamabad Government has a nuclear bomb or a bomb's main components, "no assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan."

* * * At that time, the United States was willing to take a tougher stance toward Pakistan because Soviet troops had left Afghanistan and Pakistan's aid to the rebels fighting the Soviet-backed Afghan Government had become less important.

RIVALS AT INGRATIATION

The Pressler Amendment leaves Islamabad in a difficult situation because of military tension with India and because the two old adversaries are vying to be friends of Washington.

Senator Claiborne Pell, Democrat of Rhode Island and chairman of the Foreign Relations Committee, said in an interview today that permitting the sale "certainly goes against the spirit of the Pressler Amendment." He added that "if the majority of the Congress is as concerned as I am, some strong actions might be taken."

Senator Pressler said he had asked Secretary Baker in the hearings last month to provide him with the legal basis for the commercial sales. He said that the State Department gave him a document on Friday that he considered inadequate. "It just makes some arguments," he said. "No one signed it. What we're looking for is something signed by a legal adviser, stating the legal authority for what they're doing."

Miss Tutwiler said the department believed that commercial sales were not covered by the amendment.

Senator Glenn said the State Department's position provided scant incentive for developing nations to abide by the Nuclear Nonproliferation Treaty, which Pakistan has refused to sign.

"They play little word games, but while they're doing that, this nuclear proliferation goes on with no penalty," Mr. Glenn said today. "Nations will ask why should they stay aboard with the nonproliferation treaty when nations that are transgressors in building nuclear weapons get favored treatment."

[From the Chicago Sun-Times, Mar. 8, 1992]

SALES TO PAKISTAN SEEN SKIRTING LAW

(By Steve Coll and David Hoffman)

WASHINGTON.—A senior Bush administration official said Friday the United States issued licenses for more than $100 million in commercial sales of military equipment to Pakistan in 1990 and 1991, actions that some in Congress charge may violate a law blocking aid to Pakistan, a country that maintains a nuclear weapons program.

Congressional officials said they learned of the sales this year when the State Department's own inspector general's office inquired about them as part of an investigation into whether the sales were illegal.

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The aid cutoff has crimped Pakistan's military, depriving it among other things of dozens of F-16 fighter jets on order, and has sent Pakistani generals scrambling to locate spare parts for U.S.-supplied equipment.

But administration officials said, after announcing the aid cutoff, the State Department assisted the Pakistani military by continuing to grant licenses for commercial sales of military equipment, such as spare parts, because the department's lawyers interpret the Pressler ban as applying to government-financed aid.

A senior administration official said that, in fiscal 1991, which began Oct. 1, 1990, the department authorized "not much over" $100 million in commercial sales, an amount somewhat below their authorizations in previous years when the aid ban did not apply.

State Department officials defended their decision to authorize the commercial military sales, saying that such transactions had been permitted in similar circumstances in the past, that they were necessary to maintain stable relations with a longtime U.S. ally that has a large Muslim population, and that they had not significantly enhanced Pakistani military capabilities.

Some congressional officials involved in drafting and monitoring the Pressler Amendment expressed anger over the administration's actions and said they intended to hold hearings to determine whether the administration acted legally.

Last week, following inquiries about the issue from Congress, the State Department sent an unsigned memorandum defending its position to Sen. Larry Pressler (R-S.D.), the author of the Pressler Amendment. The memo cited legal cases supporting that interpretation of the amendment and said the administration had complied with U.S. law.

Pressler described the memo as a "political science paper" that was "unacceptable to me." He said he believes the law he sponsored "bans the sale of private arms."

The administration has so far declined to disclose exactly what items it authorized for sale to Pakistan. Some congressional officials said that if the administration approved large-scale shipments of spare parts for top-line Pakistani aircraft such as the F-16 and the Cobra attack helicopter, it clearly violated the spirit of the Pressler Amendment.

Not all of the items licensed for sale in fiscal 1991 have been shipped to Pakistan, officials said. The department told Congress earlier this year that $22.7 million in commercial military exports had been delivered to Pakistan.

[From the Orange County Register, Mar. 8, 1992]

TOTAL ARMS CUTOFF TO PAKISTAN SOUGHT

Senators of both parties said Saturday that they were pressing the Bush administration to stop all private arms sales to the Pakistani government, arguing that the practice violates a law barring U.S. military aid there because of Pakistan's nuclear weapons program.

Administration officials assert that the cutoff applies only to government-sponsored arms sales and not so-called commercial sales by companies that are licensed by the State Department.

But Senator Larry Pressler, R-SD, who sponsored the arms cutoff, said Saturday that the legislation "was intended to turn off private arms sales to Pakistan as well."

Senator John Glenn, D-Ohio, chairman of the Government Affairs Committee, said: "I think it flies in the face of everything we try to do with regard to Pakistan." They know the intent of that law just as well as anybody else."

Aid has been suspended since fall 1990 under the arms cutoff law, which says that if the administration cannot certify to Congress that Pakistan's nuclear program is for peaceful uses, all military assistance must be halted and no new economic help sent beyond what is on the way.

The arms sales were publicized in Senate hearings early last month. Soon after, in a gesture to Washington, a ranking Pakistani foreign affairs official, Shahrya M. Khan acknowledged that his country had the ability to make nuclear weapons. This confirmed what US intelligence had already indicated.

Pressler said the State Department had not complied with his request for a memo-

randum explaining why the commercial arms sales are legal under the cutoff legislation, which is known as the Pressler amendment.

"If they can't produce a legal opinion signed by their legal adviser, then they can't do it and they shouldn't be doing it," he said.

State Department spokesman Margaret D. Tutwiler said at a briefing Friday that what she called commercial exports of spare parts and maintenance items were continuing.

The Washington Post said in an article Saturday that an administration official acknowledged that the United States had issued licenses for more than $100 million in military-equipment sales to Pakistan in 1990 and 1991. The article came after a report on the sales on Friday in the Los Angeles Times. The arms sales reportedly include spare parts for Pakistan's F-16 fighters and other US-made arms.

The Pressler amendment, adopted in 1985, says that as long as the Islamabad government has a nuclear bomb or a bomb's main components, "No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan."

In October 1990, the Bush administration for the first time refused to certify that Pakistan did not have a nuclear bomb. At that time, the United States was willing to take a tougher stance toward Pakistan because Soviet troops had left Afghanistan and Pakistan's aid to the rebels fighting the Soviet-backed Afghan government had became less important.

[From the Austin American-Statesman, Mar. 8, 1992]

SENATORS PUSH WHITE HOUSE TO HALT PRIVATE WEAPONS SALES TO PAKISTAN

WASHINGTON.—Senators of both major parties said on Saturday that they were pressing the Bush administration to stop all private arms sales to the Pakistani government, arguing that the practice violates a law barring American military aid there because of Pakistan's nuclear weapons program.

Administration officials assert that the cutoff applies only to government-sponsored arms sales, not so-called commercial sales. Such arms sales were publicized in Senate hearings early last month.

But Senator Larry Pressler, R-S.D., who sponsored the arms cutoff legislation, said Saturday that the law "was intended to turn off private arms sales to Pakistan as well."

Senator John Glenn, D-Ohio, chairman of the Government Affairs Committee, said: "I think it flies in the face of everything we try to do with regard to Pakistan. They know the intent of that law just as well as anybody else."

[From the Houston Chronicle, Mar. 8, 1992]

MILITARY SHIPMENTS TO PAKISTAN RAISING QUESTIONS IN CONGRESS

(By Steve Coll and David Hoffman)

WASHINGTON.—A senior Bush administration official has confirmed that the United States issued licenses for more than $100 million in commercial sales of military equipment to Pakistan in 1990 and 1991, actions that some in Congress charge may violate a law blocking aid to Pakistan as long as that country continues its nuclear weapons program.

Congressional officials said they learned of the sales this year when the State Department's own inspector general's office inquired about them as part of an investigation into whether the sales were illegal.

"Many in the State Department are aware that commercial sales to Pakistan do violate the law," said Senator Claiborne Pell, D-R.I., chairman of the Senate Foreign Relations Committee. "The State Department's own investigators believed that commercial sales violate the plain meaning" of the law.

The Bush administration stopped most military and economic aid to Pakistan in October 1990 under the provisions of the Pressler Amendment, which states that "no assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan" as long as it possesses a nuclear bomb or a bomb's essential components.

The aid cutoff has crimped Pakistan's influential military, depriving it among other things of dozens of F-16 fighter jets on order, and has set Pakistani generals scrambling to locate spare parts for their jets, helicopters, tanks and other U.S.-supplied equipment.

But administration officials said that after announcing the aid cutoff, the State Department assisted the Pakistani military by continuing to grant licenses for commercial sales of military equipment, such as spare parts, because the department's lawyers interpret the Pressler ban as applying only to government-financed aid.

A senior administration official said that in fiscal 1991, which began on Oct. 1, 1990, the department authorized "not much over" $100 million in such commercial sales, an amount somewhat below their authorizations in previous years when the aid ban did not apply.

State Department officials defended their decision to authorize the commercial military sales, saying that such transactions had been permitted in similar circumstances in the past, that they were necessary to maintain stable relations with a longtime U.S. ally that has a large Muslim population, and that they had not significantly enhanced Pakistani military capabilities.

"The department has issued licenses for commercial military exports based on a case-by-case review and only for items to support equipment already in the Pakistani inventory," said department spokeswoman Margaret Tutwiler. "The department has not licensed the export of new military equipment, new technology or upgrades to equipment in the Pakistani inventory."

Some congressional officials involved in drafting and monitoring the Pressler Amendment expressed anger over the administration's actions and said they intended to hold hearings to determine whether the administration acted legally.

Last week, following inquiries about the issue from Congress, the State Department sent an unsigned memorandum defending its position to Sen. Larry Pressler, R-S.D., author of the Pressler Amendment. The memo cited legal cases supporting State's interpretation of the amendment and said the administration had complied with all of the requirements of U.S. law while authorizing the commercial sales.

Pressler described the State memo as a "political science paper" that was "unacceptable to me." He said he believes the law he sponsored "bans the sale of private arms. On the face of it the language is clear."

The administration has so far declined to disclose exactly what items it authorized for sale to Pakistan. Some congressional officials said that if the authorization approved large-scale shipments of spare parts for top-line Pakistani aircraft like the F-16 and the Cobra attack helicopter, then it clearly violated the spirit of the Pressler Amendment, which they said was intended to ensure that the United States would not support Pakistan's military and economy as long as the country pursued a nuclear weapons capability.

Not all of the items licensed for sale by the State Department in fiscal 1991 have been shipped to Pakistan because licenses granted by State are valid for up to three years, officials said. In its annual budget request for military aid to foreign countries, the department told Congress earlier this year that $22.7 million in commercial military exports had been delivered to Pakistan in fiscal 1991.

In that same request, the department estimated that as much as $1.2 billion in commercial military exports might be delivered to Pakistan in fiscal 1992 and 1993. But some congressional officials said they believed that the figure was highly inflated because of a law that requires State to estimate each year how much military equipment a given country might need in the most extreme circumstances. In the past, these congressional sources said, actual exports have been 20 percent or less of State's estimates.

THE PLIGHT OF SYRIAN JEWS CONTINUES

Mr. PELL. Mr. President, last Saturday, March 14, was Shabbat Zachor, a day of remembrance for Syrian Jewry. In synagogues throughout the country, including my home State of Rhode Island, this day was designated to underscore the plight of the Jewish community in Syria.

As most of us know, life in Syria is exceedingly difficult for most ordinary citizens. Under the heavy hand of President Hafez al-Assad, Syria has been subjected to one of the most undemocratic and authoritarian regimes of our time. Assad's vast, intrusive state security network has left little room for Syria's people to express their views, practice their religion, or even associate amongst themselves freely.

Mr. President, Syria's treatment of its Jewish citizens is one of the most troubling examples of Syrian Government oppression. Despite years of international protest, and despite official Syrian pledges to address the problem, the nearly 4,000 Jews living in Syria continue to face limitations and restrictions on their basic human right to religious freedom.

One of the most onerous aspects of Syria's treatment of its Jewish community is the denial to travel and emigrate freely. The current State Department "Country Reports on Human Rights Practices" notes that:

> The Government continues, as a general policy, not to issue passports and exit visas to all members of a Jewish family at the same time. In theory, any Syrian may be required to post a bond of between $300 and $1,000, which would be forfeited in the event of nonreturn. In practice, only [certain Syrians] and Jews are required to post such bonds. The Syrian Government closely restricts Jewish emigration. * * *

The U.S. Congress has gone on record to protest the treatment of Jews in Syria. Last session, both the House and Senate passed a resolution condemning

Syria's continuing denial of Syrian Jews' internationally recognized rights to freedom of emigration and movement. I was pleased to be a cosponsor of the Senate version of the resolution.

Mr. President, the Congress passed this resolution in conjunction with the beginning of the opening round of the Middle East peace talks. It was our hope that this might be one of the issues that would be discussed—and perhaps even resolved—in the talks, but, as the State Department reports, scant progress has been achieved.

There are, of course, many difficult issues and differences of opinion between the United States and Syria, including Syria's support for terrorism, its refusal to recognize Israel, its involvement in Lebanon, and its involvement in drug trafficking and arms proliferation. Each of these matters are of vital importance in the quest for peace and stability in the Middle East. In addressing these issues, however, the United States must not allow the plight of Syrian Jewry to be diminished or forgotten, and that is the true meaning of Shabbat Zachor.

SOUTH AFRICA

Mr. WALLOP. Mr. President, Senator DOLE, at an appropriate time, in behalf of myself and other Members, including Mr. SIMON, Mr. ROBB, Mr. DOLE, Mr. PRESSLER, will send a resolution to the desk concerning South Africa.

I rise today to commend the extraordinary political courage of South African President F.W. de Klerk, and to congratulate the Government of South Africa, under his leadership, on the outcome of the referendum.

This is an absolutely dramatic turning point in the history of South Africa, one that, as President de Klerk said, "has closed the book on apartheid." Through his vision and tenacity, Mr. de Klerk has put South Africa on an irreversible path toward representative government. This means participation by all of South Africa's citizens in the new South Africa, a South Africa which can again join the international community of nations with pride and with dignity.

In his speech opening the South Africa Parliament on February 1, President de Klerk outlined his goals clearly. And I quote again. They were to "enter the new century as one of the most successful and dynamic nations of the world." He acknowledged, too, that giving constitutional content to the values of a new South Africa would require long and difficult negotiations.

That is why the outcome of this referendum is so exciting, because, Mr. President, the white voters in South Africa have voted overwhelmingly in their numbers to continue the negotiations on a new constitution. Mr. de Klerk can proceed now with the credibility and assurance that his mandate is virtually absolute; his people support him.

In continuing multiparty negotiations, Mr. de Klerk well understands what is at stake and has taken great pains to proceed in a careful and fair manner. He realized that the idea of the present legally constituted Government relinquishing its powers and simply handing over its responsibilities to some other temporary regime is not appropriate in a sovereign, independent country.

It is for this reason that he sought to structure the negotiations in a manner such that minority views could have adequate representation. Should anyone question this approach, he or she would do well to reflect on our own Constitutional Convention negotiations which, Mr. President, took great pains to protect the rights of the minorities from the tyranny of the majority.

Afrikaners have been in South Africa for 340 years. Many people on both sides of this debate forget this fact. No one can question that these white South Africans, both English—and Afrikanns-speaking, have a claim to the land—nor can they question their identity as true Africans. Both black and white South Africans have valid claims to land and freedom in South Africa. I make this point, Mr. President, to emphasize that this cannot simply be a question of "nationalization" or of handing over all authority to the majority in South Africa. Such a course would unfairly exclude those who have a rightful and relative say in the future political system of South Africa.

I make this point, Mr. President, to emphasize that this cannot simply be a question of nationalization or of handing over all authority to the majority in South Africa. Such a course would unfairly exclude those who have a rightful and relative say in the future political system of that country.

Finally, Mr. President, I salute the courageous Mr. de Klerk for his commitment to put his country, South Africa, back on the road to prosperity. The economy is of great significance to all South Africans, who have watched unemployment escalate since the imposition of economic sanctions on their country. Lost jobs, and a lost generation of youth who chose armed struggle over a high school education, have devastated prospects for economic recovery.

It is for this reason that normalization of economic relations between South Africa and the rest of the world—and a commitment to negotiations on a new Constitution—is so important.

It is for this reason, as well, Mr. President, that a new and democratic and robust and vigorous South Africa will become the dominant economic figure providing wealth, providing future opportunity, and providing stability for the entire African continent.

So, at the appropriate time, Senator DOLE will offer this resolution on my behalf and those of others.

I trust and believe that the Senate would agree that the momentous events of South Africa are ones to which all parties to the previous debates could positively subscribe. They were extraordinary. It took amazing courage to put this on the line. Lord only knows what would have happened to that poor country had the referendum failed. But it not only succeeded, but it succeeded with an enormous endorsement of the majority of the white South Africans, who have been the object of this debate. It is clear that they have chosen a multiracial country, a pluralistic country for their future, and all the world should celebrate that fact.

I hope the Senate does that as well this evening.

BERNARD J. LASKER

Mr. WALLOP. Mr. President, it is with considerable sadness that I note the passing today of a long-time friend of mine, a great philanthropist, extraordinary businessman, and a dear friend, Mr. Bernard J. Lasker, "Bunny," as he was known to us and most of his friends, was an extraordinary story of America.

I suspect the distinguished occupant of the chair knows that story probably even better than does the Senator from Wyoming, but I was struck by the fact that here was a man who had no high school diploma; who started on Wall Street as a runner, and became chairman of the New York Stock Exchange; who had a childhood ambition to attend West Point and was unable to but became a member of the board of trustees, I think it is called, the advisory board at West Point, a position which gave him great pride and satisfaction.

His philanthropic generosity is well known to New Yorkers, and to people who were anywhere near him.

And, as is often the case with people who are near and dear to you, it is difficult to note their passing, but I feel that it is important.

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2850. An act to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparibility Act of 1990, and for other purposes; and

H.J. Res. 446. Joint resolution waiving certain enrollment requirements with respect to H.R. 4210 of the 102d Congress.

ENROLLED JOINT RESOLUTIONS SIGNED

At 4:29 p.m., a message from the House of Representatives, delivered by Mr. Dendy, one of its clerks, announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 284. Joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week"; and

H.J. Res. 446. Joint resolution waiving certain enrollment requirements with respect to H.R. 4210 of the 102d Congress.

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2850. An act to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes; to the Committee on Governmental Affairs.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 4449. An act to authorize jurisdictions receiving funds for fiscal year 1992 under the HOME Investment Partnerships Act that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such Act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. GRAHAM, and Mr. DASCHLE):

S. 2372. A bill to amend 1718 of title 38, United States Code, to provide that the compensation of veterans under certain rehabilitative services programs in State homes not be considered to be compensation for the purposes of calculating the pensions of such veterans; to the Committee on Veterans Affairs.

By Mr. BOREN (for himself, Mr. SIMON, Mr. REID, Mr. DASCHLE, Mr. LEVIN, Mr. BENTSEN, Mr. WOFFORD, Mr. PRYOR, and Mr. ROBB):

S. 2373. A bill to amend the Job Training Partnership Act to establish a community works progress program, and a national youth community corps program, and for other programs; to the Committee on Labor and Human Resources.

By Mr. SEYMOUR (for himself, Mr. DOLE, and Mr. LUGAR):

S. 2374. A bill to amend the Child Nutrition Act of 1966 to establish a breastfeeding promotion program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 273. A resolution to amend the Standing Rules of the Senate to provide guidance to Members of the Senate, and their employees, in discharging the representative function of Members with respect to communications from petitioners; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. GRAHAM, and Mr. DASCHLE):

S. 2372. A bill to amend section 1718 of title 38, United States Code, to provide that the compensation of veterans under certain rehabilitative services programs in State homes not be considered to be compensation for the purposes of calculating the pensions of such veterans; to the Committee on Veterans Affairs.

CERTAIN REHABILITATIVE COMPENSATION FOR VETERANS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced S. 2372, legislation to correct a situation under current law with respect to recipients of Department of Veterans Affairs needs-based pension who participate in therapeutic work programs at State veterans homes. Joining me in introducing the bill is the committee's ranking Republican member, ARLEN SPECTER, as well as committee members BOB GRAHAM and THOMAS A. DASCHLE.

This measure would ensure that the pension eligibility of veterans participating in rehabilitative programs of incentive therapy [IT] or compensated work therapy [CWT] operated by State veterans homes is treated in the same manner as the eligibility of veterans participating in such programs in VA facilities. A most important aspect of these programs is the payment of a wage or other compensation to the participants.

Mr. President, current law, section 1718 of title 38, United States Code, allows veterans in receipt of pension to participate in VA IT or CWT programs without any effect on the amount of their VA pensions. However, the income received by veterans participating in State home IT or CWT programs is counted as income for VA pension purposes and thus reduces, on a dollar-for-dollar basis, the amount of pension those veterans receive. This bill would simply extend to veterans who earn wages through VA-approved IT and CWT programs in State homes the same exemption from countable income that is granted to veterans participating in similar VA programs.

BACKGROUND

Mr. President, section 1718 of title 38 authorizes VA to operate therapeutic and rehabilitation programs under which VA patients—either inpatients, residents in domiciliary facilities, or outpatients—perform services for which they receive a small payment. These rehabilitation therapy programs, known commonly as IT and CWT programs, offer numerous therapeutic benefits to veterans. Many State veterans homes run substantially similar IT and CWT programs.

Participants in IT programs at VA hospitals or domiciliaries work in such jobs such as patient messenger, grounds worker, or building-management assistant and are paid, out of appropriated funds, hourly wages ranging from a nominal amount to just below minimum wage. CWT programs traditionally have involved the use of work that private businesses or other entities contract out to the programs. Wages under CWT programs are generally paid on a piece-work basis and are provided and generated through the work contracts. The jobs vary greatly, from simple packaging to fabrications and assembly operation using complex machinery.

Mr. President, both IT and CWT programs encourage the development of good work habits by emphasizing attendance, reliability, punctuality, productivity, craftsmanship, and personal responsibility. In essence, individuals working in these programs gain a sense of being productive while developing important work skills. This, in turn, reduces dependence on long-term hospitalization and other support from Federal, State, and local government sources.

Mr. President, in 1983, in response to a VA Inspector General Audit, VA instituted a program of income verification pursuant to which VA medical facilities began to inform appropriate VA regional offices of the amounts that veteran participants in the IT and CWT programs were receiving. For the participants who were receiving VA pension, this change resulted in reductions in their pension benefits. An August 27, 1985, report of the Comptroller General—which I requested and which is entitled "Impact of Offsetting Earnings from VA's Work Therapy Programs from Veterans' Pensions"—found that the pension offset had detrimental effects on veterans participating in the programs and on the work therapy programs themselves. Additional information provided to the Committee had also shown that counting the renumeration as income for pension purposes was acting as a significant disincentive to veterans' participation in

these two programs and thus was adversely affecting their rehabilitation.

Mr. President, to remedy the situation, I authored legislation that the Senate passed on October 21, 1984, as part of H.R. 5688, but which was not included in the compromise legislation that was enacted that year. In 1985, I reintroduced the provision and the Senate passed it as part of S. 1887 in December 1985. In October 1986, Congress finally enacted, in section 205 of Public Law 99-576, a provision, derived from my legislation, that amended section 618—now 1718—of title 38 to provide expressly that remuneration received by veterans under these programs would be considered as donations from public and private relief organizations, which, under section 1503(a)(1) of title 38, are not considered as income for purposes of VA pension programs.

However, as I have noted, veterans in State home programs still have their pensions reduced by one dollar for every dollar earned in IT and CWT programs.

Mr. President, this disparate treatment of veteran pensioners participating in IT and CWT programs in VA facilities and State homes was recently brought to my attention by Adm. Benjamin T. Hacker, director of the California State Department of Veterans Affairs. In a February 21, 1992, letter, Admiral Hacker indicated that, since 1986, VA officials in San Francisco had interpreted the 1986 amendment to include State home IT and CWT participant's income as exempt for purposes of calculating VA pension. However, in July 1991, IT and CWT participants in the California State Veterans Home at Yountville began receiving notifications from VA informing them that overpayments were owed to VA based on the exclusion of the veterans in State veterans homes from the exemption of earnings under section 1718(f). An advisory opinion regarding the interpretation of section 1718(f) was subsequently requested by the San Francisco VA regional office from the Compensation and Pension Service in VA central office. That opinion, dated October 24, 1991, concluded unequivocally that veterans in State homes are not covered by the exemption in section 1718(f) of title 38.

Admiral Hacker has indicated that the reduction in pension for veterans participating in the California State home IT and CWT programs is adversely affecting the intent of the therapeutic programs by making veterans pay for participating in rehabilitative, therapeutic work activities. This is exactly the type of problem that Congress intended to eradicate in VA programs through the 1986 legislation.

According to a January 6, 1992, survey by the National Association of State Veterans Homes, 23 State homes operate therapeutic work programs and are thus in a similar situation to that of the Yountville State home.

SUMMARY OF PROVISIONS

Mr. President, the bill I am introducing would amend section 1718 of title 38 to add a new subsection (g) that would: First, clarify that neither a veteran's participation in a State home IT or CWT program that the Secretary approves as conforming to VA standards nor a veteran's receipt of payment for participating in such a program may be used as a basis for denying or discontinuing a rating of total disability on the basis of unemployability, and second, provide that a payment to a veteran participating in an approved State home IT or CWT program be considered to be a donation from a public or private relief organization. These amendments parallel as closely as possible the current-law provisions that protect VA programs. I emphasize that, in order to ensure that the covered State veterans home IT and CWT programs are consistent with the VA program model set forth in section 1718, the bill would provide for the Secretary of Veterans Affairs to grant approval of a State home's program of rehabilitative services pursuant to the standards set forth under section 1718 as a prerequisite to exemptions from countable income.

CONCLUSION

Mr. President, I have a longstanding, very strong personal interest in the IT and CWT programs. One of the model programs is at the Menlo Park Division of the Palo Alto VA Medical Center. This legislation is necessary to ensure that valuable rehabilitative efforts are not impeded and that veterans in State homes are treated in the same manner as veterans in VA medical facilities. The State veterans homes are a critical component in our Nation's efforts to care for sick and disabled veterans. I know of no reason why veterans participating in State programs approved by the Secretary should be treated differently than those in similar VA programs. I urge my colleagues to join me in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF COMPENSATION OF VETERANS UNDER CERTAIN REHABILITATIVE SERVICES PROGRAMS.

Section 1718 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) Neither a veteran's participation in a program of rehabilitative services that is provided as part of the veteran's care furnished by a State home and is approved by the Secretary as conforming appropriately to standards for activities carried out under this section nor a veteran's receipt of payment as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) A payment made to a veteran under a program of rehabilitative services described in paragraph (1) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

By Mr. BOREN (for himself, Mr. SIMON, Mr. REID, Mr. DASCHLE, Mr. LEVIN, Mr. BENTSEN, Mr. WOFFORD, and Mr. PRYOR):

S. 2373. A bill to amend the Job Training Partnership Act to establish a community works progress program, a youth community corps program, and a national youth community corps program, and for other purposes; to the Committee on Labor and Human Resources.

COMMUNITY WORKS PROGRESS ACT OF 1992

Mr. BOREN. Mr. President, I rise today to inform my colleagues that I am joining with Senators PAUL SIMON, HARRY REID, TOM DASCHLE, CARL LEVIN, LLOYD BENTSEN, HARRIS WOFFORD, and DAVID PRYOR, today to introduce a bill to substitute work for welfare which would bring back an updated version of the old Works Progress Administration, the WPA, and create a new national youth corps in order to provide jobs for people who are on welfare or unemployed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Works Progress Act of 1992".

SEC. 2. COMMUNITY WORKS PROGRESS AND YOUTH COMMUNITY CORPS PROGRAMS.

The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended by adding at the end the following new title:

"TITLE VI—COMMUNITY WORKS PROGRESS AND YOUTH COMMUNITY CORPS PROGRAMS

"Subtitle A—General Provisions

"SEC. 601. DEFINITIONS.

"For the purposes of this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Office.

"(2) COMMUNITY SERVICE FIELD.—The term 'community service field' means an activity described in section 124(a) of the National and Community Service Act of 1990 (42 U.S.C. 12544(a)).

"(3) OFFICE.—The term 'Office' means the Community Works Progress Office.

"SEC. 602. ESTABLISHMENT OF COMMUNITY WORKS PROGRESS OFFICE.

"There is established in the Employment and Training Administration of the Depart-

ment of Labor a Community Works Progress Office. The Office shall be headed by an Administrator, who shall carry out the functions prescribed in this subtitle.

"SEC. 603. COMMUNITY WORKS PROGRESS PLAN.

"(a) IN GENERAL.—Not later than 3 months after the date of the enactment of this title, the Administrator shall prepare a plan for the implementation of the programs of the Office established under this title.

"(b) REPORT TO THE CONGRESS.—Upon completion of the plan described in subsection (a), the Administrator shall prepare and submit to the Secretary a written report that summarizes the plan. Upon receipt of the written report, the Secretary shall submit a copy of the report to the appropriate committees of the Congress.

"(c) REGULATIONS.—Not later than 120 days after the date of the enactment of this title, on the basis of the report described in subsection (b), the Secretary shall promulgate such regulations as are necessary to carry out the purposes of the plan prepared under subsection (a).

"SEC. 604. CONTRACTS.

"(a) IN GENERAL.—An administrative entity carrying out a project under this title may carry out the duties of the administrative entity directly or by entering into a contract with another entity to carry out the duties.

"(b) ARCHITECTURE.—The administrative entity may contract with a private contractor who is not a participant for any architectural design, construction, engineering plan, alteration, or repair that is a necessary component of the project if—

"(1) the administrative entity notifies the Governor before entering into the contract;

"(2) the Governor approves the contract; and

"(3) the individuals who carry out the services described in the contract receive wages comparable to the prevailing wages in the geographic area for similar activities.

"SEC. 605. GENERAL PROJECT REQUIREMENTS.

"Each administrative entity carrying out a project under this title shall ensure that the project complies with the nonduplication and nondisplacement requirements set forth in subsections (a) and (b) of section 177 of the National and Community Service Act of 1990 (42 U.S.C. 12637).

"SEC. 606. TREATMENT OF COMPENSATION OR BENEFITS UNDER OTHER PROGRAMS.

"(a) HIGHER EDUCATION ACT OF 1965.—In determining any grant, loan, or other form of assistance for an individual under any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary of Education shall not take into consideration the compensation and benefits received by a participant for participation in a project under this title.

"(b) RELATIONSHIP TO OTHER FEDERAL BENEFITS.—Notwithstanding any other provision of law, any compensation or benefits received by a participant for participation in a project under this title shall be excluded from any determination of income or resources for the purposes of determining eligibility for other Federal benefits, including benefits under sections 402, 1612, and 1613 of the Social Security Act (42 U.S.C. 602, 1382a, and 1382b, respectively) and title XIX of such Act (42 U.S.C. 1396 et seq.).

"(c) DEFINITION.—As used in this section, the term 'compensation and benefits' includes—

"(1) compensation and supportive services received under section 616;

"(2) payments received under section 626; and

"(3) payments and living allowances received under section 636.

"SEC. 607. PROGRESS REPORTS.

"Each administrative entity carrying out a project under this title shall submit a quarterly progress report to the Governor, in such form and containing such information as the Secretary shall prescribe by regulation.

"SEC. 608. GENERAL ACCOUNTING OFFICE REPORT.

"Not later than 1 year after the first date on which the Secretary has made all allotments required by subtitles B, C, and D for a fiscal year, the Comptroller General shall conduct an evaluation of the programs established under this title and shall submit a report containing the evaluation to the Secretary and the appropriate committees of Congress.

"Subtitle B—Community Works Progress

"SEC. 611. DEFINITIONS.

"As used in this subtitle:

"(1) ALLOTMENT.—The term 'allotment' means, with respect to a State for a given fiscal year, the sum of the amounts and bonus amounts to the State, and any amount made available to the State through reallotment, under section 613 for the year.

"(2) COMMUNITY WORKS PROGRESS PROGRAM.—The term 'community works progress program' means the program established under this subtitle.

"(3) PARTICIPANT.—The term 'participant' means an individual who meets the requirements of section 615(b), and the applicable requirements of section 615(c), and is selected to participate in a community works progress project.

"(4) COMMUNITY WORKS PROGRESS PROJECT.—The term 'community works progress project' means a project described in section 614(a).

"SEC. 612. COMMUNITY WORKS PROGRESS PROGRAM.

"The Secretary, acting through the Administrator, shall establish in the Office a Community Works Progress program.

"SEC. 613. ALLOTMENTS.

"(a) RESERVATION.—For each fiscal year the Secretary, acting through the Administrator, may reserve not more than 5 percent of the sums appropriated to carry out this subtitle to award bonus amounts in accordance with subsection (c).

"(b) IN GENERAL.—For each fiscal year, from the remainder of the sums appropriated to carry out this subtitle, the Secretary, acting through the Administrator, shall award to each State an amount determined in accordance with the following:

"(1) EQUAL BASIS.—An amount equal to 10 percent of such remainder shall be distributed in equal amounts among the States.

"(2) POPULATION BASIS.—An amount equal to 10 percent of such remainder shall be distributed in amounts proportionate to the population of each State.

"(3) UNEMPLOYMENT BASIS.—An amount equal to 40 percent of such remainder shall be distributed among the States on the basis of a percentage determined by dividing—

"(A) the number of individuals who received unemployment compensation under State or Federal law during the preceding fiscal year in the State; by

"(B) the number of individuals who received such unemployment compensation during such period in all States.

"(4) AFDC BASIS.—An amount equal to 40 percent of such remainder shall be distributed among the States on the basis of a percentage determined by dividing—

"(A) the number of individuals who received aid under part A of title IV of the Social Security Act in the State; by

"(B) the number of individuals who received such aid during such period in all States.

"(c) BONUSES.—From any amount reserved under subsection (a), the Secretary may award a bonus amount, of not more than 5 percent of the amount distributed to a State pursuant to subsection (b), to any State that has demonstrated progress in the preceding fiscal year in providing assistance in securing employment for individuals who—

"(1) were receiving aid under part A of title IV of the Social Security Act; and

"(2) as a result of such employment, no longer require such aid.

"(d) REALLOTMENT.—

"(1) IN GENERAL.—A State shall inform the Secretary if the State has not obligated an amount in excess of 20 percent of an allotment for a fiscal year. For each such State, the Secretary shall make the portion of the amount that exceeds the 20 percent available to other States for carrying out this subtitle, to the extent the Secretary determines that the other States will be able to use the portion for carrying out this subtitle.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall be regarded as part of the allotment of the State for such year, and shall remain available until the end of the succeeding fiscal year.

"(e) USE OF ALLOTMENT.—A State may use an allotment to—

"(1) award grants under section 614; and

"(2) pay for the administrative costs of carrying out this subtitle.

"SEC. 614. COMMUNITY WORKS PROGRESS PROJECTS.

"(a) IN GENERAL.—From the allotment of a State, the Governor shall award grants to carry out, in accordance with the requirements of this subtitle, community works progress projects that the Governor determines will serve a significant public purpose in a community service field. The Governor shall award the grants to entities described in subsection (d) and identified as grant recipients in job training plans—

"(1) developed in accordance with section 103 and the requirements of this section; and

"(2) approved under section 105.

"(b) AWARD OF GRANTS.—The Governor shall award grants under subsection (a)—

"(1) in such a manner as to provide assistance—

"(A) to rural and urban areas; and

"(B) for a broad range of community works progress projects; and

"(2) in accordance with such criteria as the Secretary shall establish by regulation, including criteria for job training, job search requirements, and volunteer services.

"(c) JOB TRAINING PLAN.—The job training plan described in subsection (a) shall include such information as the Secretary may require, including at a minimum—

"(1) identification of the entity or entities that will administer the program and be the grant recipient of funds from the State;

"(2) assurances that the proposed project will meet the requirements specified in subsection (e);

"(3) assurances that a sufficient number of individuals would meet the requirements of section 615(b) in the service delivery area in which the community works progress project would be carried out;

"(4) a comprehensive description of the objectives and performance goals for the com-

munity works progress project to be conducted, a plan for managing and funding the project, and a description of the type of project to be carried out, including a description of the types and duration of training and work experience to be provided by such project;

"(5) an estimate of the number of participants and crew leaders necessary for the proposed community works progress project, the length of time that the services of such participants and crew leaders will be required, and the support services that will be required for such participants and crew leaders;

"(6) a description of the manner of appointment and training of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities), who shall provide for other central elements of a community works progress project;

"(7) a description of the basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner in which such standards shall be enforced;

"(8) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

"(9) an assurance that, prior to the placement of a participant under this subtitle, the administrative entity will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such community works progress project;

"(10) a description of formal job training or job search arrangements to be made available to the participants, in cooperation with State agencies;

"(11) an assurance that the community works progress project will be coordinated with other community works progress projects and with other Federally assisted education programs, training programs, social service programs, and other appropriate programs;

"(12) an assurance that the community works progress project will participate in cooperative efforts among local educational agencies, local government agencies and community-based agencies (as defined in paragraphs (12) and (3), respectively, of section 101 of the National and Community Service of 1990 (42 U.S.C. 12511 (12) and (3)), businesses, and State agencies, to develop and provide supportive services;

"(13) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of individual service delivery area programs, including—

"(A) assessments of needs and problems in the labor market that form the basis for program planning;

"(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

"(14) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under this subtitle; and

"(15) procedures for the preparation and submission of an annual report to the Governor that shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants; and

"(C) the extent to which the activities exceeded or failed to meet relevant performance standards.

"(d) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under subsection (a) shall include public agencies, private contractors, and private nonprofit organizations.

"(e) REQUIREMENTS.—In awarding a grant under this section, the Governor shall enter into a written grant agreement with the administrative entity that shall include the following requirements:

"(1) USE OF GRANT.—

"(A) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount of each grant may be used for administrative expenses.

"(B) COMPENSATION AND BENEFITS.—Not less than 70 percent of the amount of each grant may be used to provide compensation and supportive services to each participant as described in section 616.

"(C) CONSTRUCTION CONTRACTS.—An administrative entity may expend, for costs associated with a contract described in section 604(b)—

"(i) not more than 10 percent of the amount of the grant; or

"(ii) such greater percentage as the Secretary may specify in a waiver granted to the entity.

"(2) COMPLETION DATE.—The administrative entity shall complete the community works progress project within a 3-year period immediately following the date of the decision to approve a grant for the project under this subtitle.

"(3) JOBS OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM REQUIREMENTS.—If the community works progress project employs any participant who is a participant in the job opportunities and basic skills training program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the project shall meet any applicable requirements of such part F, and each such participant shall meet any applicable requirements of such part F.

"(4) OTHER CONDITIONS.—The administrative entity shall comply with such other conditions as the Secretary determines to be appropriate.

"(f) MODIFICATIONS.—If changes in labor market conditions, funding, or other factors require substantial deviation from an approved job training plan, the private industry council and the appropriate chief elected official or officials (as described in section 103(c)) shall submit a modification of such plan, which shall be subject to review in accordance with section 105.

"SEC. 615. SELECTION AND ELIGIBILITY OF PARTICIPANTS.

"(a) CONSIDERATIONS.—In selecting participants, the administrative entities shall, to the maximum extent possible, take into account the prior training, experience, and skills of the participants. Eligibility for participation in the community works progress project shall be determined on a nonpartisan basis.

"(b) REQUIREMENTS FOR PARTICIPANTS.—

"(1) IN GENERAL.—To be eligible to participate in a community works progress project, an individual shall be—

"(A) an unemployed individual who elects to participate and who—

"(i) is receiving unemployment compensation under an unemployment compensation law of a State or of the United States;

"(ii) is not a participant in the job opportunities and basic skills training program under part F of title IV of the Social Security Act; and

"(iii)(I) if such individual has not attained the age of 20 years, is a graduate of a high school or has the equivalent of a high school education;

"(II) has resided in the State for a period of at least 60 consecutive days prior to the commencement of the community works progress project;

"(III) has been unemployed for a period of at least 35 consecutive workdays prior to the commencement of the project;

"(IV) does not reside in the same dwelling place with more than 1 individual who is a participant under a project that is the subject of a grant award under this section; and

"(V) is a citizen of the United States;

"(B) an individual who is a participant in the job opportunities and basic skills training program under part F of title IV of the Social Security Act if—

"(i) such participation does not conflict with the requirements of such part F; and

"(ii) such individual is referred to participate in the community works progress project in accordance with the procedures established under such part F; or

"(C) an individual who—

"(i) is not receiving unemployment compensation under an unemployment compensation law of a State or of the United States; and

"(ii) is a discouraged worker; and

"(iii) meets the criteria set forth in subclauses (I) through (V) of subparagraph (A)(iii).

"(2) SELECTION OF PARTICIPANTS.—In selecting individuals to be participants in a community works progress project, the administrative entity shall ensure that—

"(A) not less than 25 percent of the participants shall be individuals described in subparagraph (A) or (C) of paragraph (1), if a sufficient number of such individuals applies to make achievement of such percentage possible; and

"(B) as large a percentage of the participants as is reasonably achievable shall be such individuals if a sufficient number does not apply.

"(3) RETIREMENT BENEFITS.—An individual shall not be eligible to participate in a community works progress project if the individual is eligible for retirement benefits under—

"(A) the Social Security Act (42 U.S.C. 301 et seq.);

"(B) any retirement system for Federal Government employees, including—

"(i) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code; and

"(ii) the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code;

"(C) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(D) the military retirement system; or

"(E) a private pension program.

"(c) RESTRICTIONS ON PARTICIPATION.—To remain eligible to participate in a community works progress project, a participant shall comply with the following requirements:

"(1) IN GENERAL.—Except as otherwise provided under part F of title IV of the Social Security Act, a participant may not work more than 32 hours a week for the project. Such limitation shall not include any hours spent by the participant in training or other educational activities that the administrative entity may make available in addition to the work experience.

"(2) PART-TIME WORK.—A participant may accept employment on a part-time basis in addition to participating in the project if the

number of hours per week of the part-time employment does not exceed 20 hours per week.

"(3) EMPLOYMENT SEARCH.—With respect to any participant described in subsection (b)(1)(A), compensation shall not be denied or reduced for any week in which such participant is participating in a project (or as a result of the application to any week in such project of State law provisions relating to availability for work, and refusal to accept work) and such participants shall be required to participate in job search activities within the meaning of section 482(g) of the Social Security Act (42 U.S.C. 682(g)).

"(4) TESTING AND EDUCATION REQUIREMENTS.—

"(A) TESTING.—Each participant shall be tested for basic reading and writing competence by the administrative entity prior to employment under the community works progress project.

"(B) EDUCATION REQUIREMENT.—

"(i) FAILURE TO SATISFACTORILY COMPLETE TEST.—Each participant who fails to complete satisfactorily the basic competency test required in subparagraph (A) shall be furnished counseling and instruction.

"(ii) PROGRESS TOWARD DIPLOMA.—Each participant who has not received a high school diploma or its equivalent shall, in order to continue the employment, maintain satisfactory progress towards receiving a high school diploma or its equivalent.

"(iii) LIMITED-ENGLISH.—Each participant with limited-English speaking ability may be furnished such instruction as the administrative entity considers to be appropriate.

"SEC. 616. COMPENSATION AND SUPPORTIVE SERVICES FOR PARTICIPANTS.

"(a) COMPENSATION.—

"(1) INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.—Except as provided in paragraph (4), each participant described in section 615(b)(1)(A), shall, notwithstanding any other provision of law, be compensated on a weekly basis in an amount equal to 10 percent of the amount equal to the weekly benefit of unemployment compensation that the participant receives. Such amount shall be paid from funds from the grant award to the participant by the administrative entity and shall be in addition to the amount of aid received by the participant pursuant to the applicable unemployment compensation law of a State or of the United States.

"(2) INDIVIDUALS RECEIVING AFDC.—Except as provided in paragraph (4), each participant described in section 615(b)(1)(B) shall, notwithstanding any other provision of law, be compensated for participation in the community works progress project on a monthly basis, in an amount equal to 10 percent of the amount of benefits that the family of the individual is eligible to receive under the program of aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 681 et seq.). Such amount shall be paid from funds from the grant award to the participant by the administrative entity, and shall be in addition to the amount of aid received by the participant pursuant to part A of title IV of the Social Security Act.

"(3) INDIVIDUALS NOT RECEIVING UNEMPLOYMENT COMPENSATION.—Each participant described in section 615(1)(C) shall, notwithstanding any other provision of law, be compensated for participation in the community works progress project on a monthly basis, in an amount equal to the product of the number of hours worked in a month as a participant and the applicable minimum wage. Such amount shall be paid from funds from the grant award to the participant by the administrative entity, and shall be in addition to the amount of aid received by the participant pursuant to part A of title IV of the Social Security Act.

"(4) SPECIAL COMPENSATION FORMULA.—If the amount equal to—

"(A) the product of the number of hours worked in a month as a participant and the applicable minimum wage; less

"(B) the amount of unemployment compensation or aid to families with dependent children under part A of title IV of the Social Security Act, received by a participant for such month,

is greater than the applicable amount under paragraph (1) or (2), the administrative entity shall pay the participant the amount determined under the formula described in this subparagraph in lieu of the amount determined under paragraph (1) or (2).

"(b) SUPPORTIVE SERVICES.—Each participant shall be eligible to receive supportive services.

"SEC. 617. DUTIES OF THE STATE UNITS.

"The head of each State unit shall, with respect to a Community Works Progress program conducted in the State—

"(1) administer the Community Works Progress program pursuant to this subtitle;

"(2) provide technical assistance to the private industry councils and the grant recipients described in section 614;

"(3) consult with the head of the State agency responsible for the administration of the programs under title IV of the Social Security Act, and the head of the State agency responsible for the administration of employment services—

"(A) to facilitate coordination of the activities of the State unit and such agencies; and

"(B) to make available to participants information of such State agencies concerning services for unemployed individuals;

"(4) consult with the head of the State agency responsible for the administration of employment services to ensure that the agency will refer eligible individuals who elect to participate to the community works progress program;

"(5) submit to the Administrator, by not later than the end of each fiscal year, an annual report that describes the activities of the State unit during the fiscal year; and

"(6) hire such personnel as are necessary to ensure that such duties are carried out.

"Subtitle C—Youth Community Corps Program

"SEC. 621. DEFINITIONS.

"As used in this subtitle:

"(1) ALLOTMENT.—The term 'allotment' means, with respect to a State for a given fiscal year, the sum of the amounts allotted to the State, or made available to the State through reallotment, under section 623 for the year.

"(2) ELEMENTARY SCHOOL.—The term 'elementary school' has the meaning given the term in section 1471(8) of the Elementary and Secondary Act of 1965 (20 U.S.C. 2891(8)).

"(3) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(4) PARTICIPANT.—The term 'participant' means a student who meets the requirements of subsections (a), (c), and (d) of section 625 and is selected to participate in a youth community corps project.

"(5) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 1471(21) of the Elementary and Secondary Act of 1965 (20 U.S.C. 2891(21)).

"(6) STUDENT.—The term 'student' means an individual who—

"(A) is enrolled in elementary or secondary school; and

"(B) is age 14 through 21.

"(7) YOUTH COMMUNITY CORPS PROGRAM.—The term 'youth community corps program' means the program established under this subtitle.

"(8) YOUTH COMMUNITY CORPS PROJECT.—The term 'youth community corps project' means a project described in section 624(a).

"SEC. 622. YOUTH COMMUNITY CORPS PROGRAM.

"The Secretary, acting through the Administrator, shall establish in the Office a youth community corps program.

"SEC. 623. ALLOTMENTS.

"(a) IN GENERAL.—For each fiscal year, the Secretary shall make available an allotment to each State under subsection (b) to—

"(1) award grants under section 624; and

"(2) pay for the administrative costs of carrying out this subtitle.

"(b) ALLOTMENT.—

"(1) RESERVATIONS.—Of the amounts appropriated to carry out this subtitle for any fiscal year, the Commission shall reserve not more than 1 percent for payments to Indian tribes, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and Palau, until such time as the Compact of Free Association is ratified, to be allotted in accordance with their respective needs.

"(2) ALLOTMENT.—

"(A) IN GENERAL.—The remainder of the sums appropriated to carry out this subtitle shall be allotted among the States as follows:

"(i) STUDENT POPULATION.—From 50 percent of such remainder the Secretary shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the student population of the State bears to the student population of all States.

"(ii) ELEMENTARY AND SECONDARY SCHOOL ALLOCATIONS.—From 50 percent of such remainder the Secretary shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as allocations to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) bears to such allocations to all States.

"(B) DEFINITION.—As used in this paragraph, the term 'State' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(c) REALLOTMENT.—The reallotment requirements described in section 613(d) shall apply with respect to the allotments.

"SEC. 624. YOUTH COMMUNITY CORP PROJECTS.

"(a) GRANTS.—From the allotment of a State, the Governor shall award grants to carry out youth community corps projects to employ participants in projects in community service fields, in accordance with the requirements of this subtitle. The Governor shall award the grants to entities described in subsection (d) that are identified as grant recipients in job training plans—

"(1) developed in accordance with section 103 and the requirements of this section; and

"(2) approved under section 105.

"(b) JOB TRAINING PLAN.—The job training plan described in subsection (a) shall contain such information as the Secretary may require, including, at a minimum—

"(1) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of

individual service delivery area programs, including—

"(A) assessments of needs and problems in the labor market that form the basis for program planning;

"(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

"(2) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under this subtitle; and

"(3) procedures for the preparation and submission of an annual report to the Governor that shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants; and

"(C) the extent to which the activities exceeded or failed to meet relevant performance standards.

"(c) REQUIREMENTS.—In awarding a grant under this section, the Governor shall enter into a written grant agreement with the administrative entity that shall include the following requirements:

"(1) USE OF GRANT.—

"(A) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount of each grant may be used for administrative expenses.

"(B) COMPENSATION AND BENEFITS.—Not less than 70 percent of the amount of each grant may be used to provide payments to each participant as described in section 626.

"(C) CONSTRUCTION CONTRACTS.—An administrative entity may expend, for costs associated with a contract described in section 604(b)—

"(i) not more than 10 percent of the amount of the grant; or

"(ii) such greater percentage as the Secretary may specify in a waiver granted to the entity.

"(2) LENGTH OF EMPLOYMENT.—The administrative entity shall employ a participant in a youth community corps project for not more than 250 hours per year.

"(3) OTHER CONDITIONS.—The administrative entity shall comply with such other conditions as the Secretary determines to be appropriate.

"(d) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this subtitle shall be—

"(1) a community-based organization;

"(2) a local educational agency; or

"(3) a partnership of a local educational agency with an organization that—

"(A) is a public agency serving a unit of general local government within the district served by the local educational agency; and

"(B) provides services related to a community service field.

"(e) MODIFICATIONS.—If changes in labor market conditions, funding, or other factors require substantial deviation from an approved job training plan, the private industry council and the appropriate chief elected official or officials (as described in section 103(c)) shall submit a modification of such plan, which shall be subject to review in accordance with section 105.

"SEC. 625. SELECTION AND ELIGIBILITY OF PARTICIPANTS.

"(a) APPLICATION.—To be eligible to participate in a youth community corps project, a student residing in a service delivery area shall submit an application to the administrative entity at such time, in such manner, and containing such information as the Secretary shall by regulation require. At a minimum, the application shall contain information about the work experience of the student, and sufficient information to enable the administrative entity to make the determinations required in subsection (b).

"(b) DETERMINATION.—An administrative entity shall determine, with respect to each applicant, whether the applicant is—

"(1) a child of an individual who is described in section 615(b)(1)(A);

"(2) a member of a family that receives benefits under the program of aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 681 et seq.);

"(3) a member of an eligible household, as described in section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014), receiving an allotment under the food stamp program established under section 4 of such Act (7 U.S.C. 2013); or

"(4) a member of a family with an income at or below the official poverty line (as defined by the Office of Management and Budget, and revised in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(c) SELECTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in selecting students to participate in a youth community corps project, an administrative entity shall select eligible students with the qualifications described in paragraph (1), (2), (3), or (4) of subsection (b).

"(2) SERVICE OPPORTUNITIES.—In the case of a project that requires a greater number of participants than the number of students described in paragraph (1), the administrative entity—

"(A) may employ eligible students without the qualifications described in paragraph (1), if the entity applies for and receives a waiver from the Governor; and

"(B) in selecting such students, shall give preference to students with work experience related to the project.

"(d) ACADEMIC CONSIDERATIONS.—The administrative entity shall not employ a participant in a youth community corps project unless the administrative entity determines that the participant is making satisfactory progress toward attainment of a high school diploma or the equivalent.

"SEC. 626. PAYMENT OF PARTICIPANTS.

"(a) PAYMENT.—The administrative entity shall make payments to participants in the youth community corps program for—

"(1) the educational credit described in subsection (c); or

"(2) the cash benefit described in subsection (d).

"(b) ELECTION.—On completion of service with a youth community corps project, a participant shall elect to receive the educational credit or cash benefit.

"(c) EDUCATIONAL CREDIT.—

"(1) AMOUNT.—Each participant electing to receive the educational credit shall receive as payment under the program an educational credit equal to the sum of—

"(A) $5 per hour for the first 250 hours of service in the program;

"(B) $6 per hour for the next 250 hours of service in the program;

"(C) $7 per hour for each subsequent hour of service in the program; and

"(D) in the case of a participant who can demonstrate attainment of a high school diploma, and has more than 500 hours of service in the program, $250.

"(2) RECEIPT.—In order to receive an educational credit earned under this section, a participant shall submit to the administrative entity such information and documentation as the Secretary may require, including information indicating the academic program and institution of higher education at which the credit will be used.

"(3) ACCEPTANCE.—The Secretary of Education, in consultation with the Secretary of Labor, shall promulgate regulations establishing a program and procedures under which the credits shall be accepted at institutions of higher education.

"(d) CASH BENEFITS.—Each participant electing to receive the cash benefit shall receive as payment under the program an amount equal to one-half of the sum described in subsection (c).

"SEC. 627. DUTIES OF THE STATE UNITS.

"The head of each State unit shall, with respect to a Youth Community Corps program conducted in the State—

"(1) administer the Youth Community Corps program pursuant to subtitle C;

"(2) provide technical assistance to the private industry councils and the grant recipients described in section 624(a);

"(3) for the State in which the State unit is located, consult with the grant recipients to facilitate coordination among the grant recipients;

"(4) submit to the Administrator, by not later than the end of each fiscal year, an annual report that describes the activities of the State unit during the fiscal year;

"(5) consult with the head of the State agency responsible for the administration of employment services to ensure that the agency will refer eligible who elect to participate students to the youth community corps program;

"(6) in carrying out the subtitle, consult with the Administrator and the chairperson of the Commission on National and Community Service to coordinate the program established under the subtitle with programs under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and

"(7) hire such personnel as are necessary to ensure that such duties are carried out.

"Subtitle D—National Youth Community Corps Program

"SEC. 631. DEFINITIONS.

"As used in this subtitle:

"(1) ALLOTMENT.—The term 'allotment' means, with respect to a State for a given fiscal year, the sum of the amounts allotted to the State, or made available to the State through reallotment, under section 633 for the year.

"(2) NATIONAL YOUTH COMMUNITY CORPS PROGRAM.—The term 'national youth community corps program' means the program established under this subtitle.

"(3) NATIONAL YOUTH COMMUNITY CORPS PROJECT.—The term 'national youth community corps project' means a project described in section 634(a).

"(4) PARTICIPANT.—The term 'participant' means an individual who meets the requirements of subsections (a) and (b) of section 635 and who receives and accepts an offer under section 635(c).

"(5) REGIONAL OFFICE.—The term 'regional office' means a regional office of the Employment and Training Administration.

"SEC. 632. NATIONAL YOUTH COMMUNITY CORPS PROGRAM.

"The Secretary, acting through the Administrator, shall establish in the Office a national youth community corps program.

"SEC. 633. ALLOTMENTS.

"(a) IN GENERAL.—From the sums appropriated to carry out this subtitle, the Sec-

retary shall allot equal amounts to the regional offices to—

"(1) award grants under section 634; and

"(2) award grants to the States in which national youth community corps projects are carried out, to pay for the administrative costs of carrying out this subtitle.

"(b) REALLOTMENT.—The reallotment requirements described in section 613(d) shall apply with respect to the allotments.

"SEC. 634. NATIONAL YOUTH COMMUNITY CORPS PROJECTS.

"(a) GRANTS.—A regional office may make one grant for each fiscal year to establish and carry out, in accordance with the requirements of this subtitle, a national youth community corps project to employ participants in a project related to community service fields within the region served by the office. The regional office shall award the grant to an organization described in subsection (d) and identified as a grant recipient in a job training plan—

"(1) developed in accordance with section 103 and the requirements of this section;

"(2) approved under section 105; and

"(3) referred to the regional office by the Governor approving the plan.

"(b) JOB TRAINING PLAN.—The job training plan described in subsection (a) shall include such information as the Secretary may require, including at a minimum—

"(1) a plan for the national youth community corps project to be established by the organization;

"(2) information indicating any cost associated with arrangements made by the organization to provide residential facilities for the project, if applicable;

"(3) information regarding any national youth community corps program proposed to be conducted directly by such applicant with assistance provided under this subtitle;

"(4) a comprehensive description of the objectives and performance goals for the program to be conducted, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training, work experience, and community service to be provided by such program;

"(5) a plan for the certification of the training skills acquired by participants and the awarding of academic credit to participants for competencies developed through training programs or work experience obtained under this subtitle;

"(6) an age-appropriate learning component for participants that includes procedures that permit participants to reflect on service experiences;

"(7) an estimate of the number of participants and crew leaders necessary for the proposed program, the length of time that the services of such participants and crew leaders will be required, the support services that will be required for such participants and crew leaders, and a plan for recruiting such participants;

"(8) a description of the manner of appointment and training of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities), who shall provide for other central elements of a youth corps, such as crew structure and a youth development component;

"(9) a description of a plan to ensure the on-site presence of knowledgeable and competent supervisory personnel at program facilities;

"(10) a description of the facilities, quarters and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities to work sites, accommodations for individuals with disabilities, and other appropriate services, supplies, and equipment that will be provided by such applicant;

"(11) a description of the basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner in which such standards shall be enforced;

"(12) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

"(13) an assurance that, prior to the placement of a participant under this subtitle, the program agency will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program;

"(14) a plan for ensuring that individuals do not drop out of school for the purpose of participating in a youth corps program;

"(15) a description of the manner in which an ethnically and economically diverse group of participants, including economically and educationally disadvantaged individuals, shall be recruited and selected for participation in a program receiving assistance under this subtitle;

"(16) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of individual service delivery area programs, including—

"(A) assessments of needs and problems in the labor market that form the basis for program planning;

"(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

"(17) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under this subtitle; and

"(18) procedures for the preparation and submission of an annual report to the Governor that shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants; and

"(C) the extent to which the activities exceeded or failed to meet relevant performance standards.

"(c) REQUIREMENTS.—In awarding a grant under this section, the Governor shall enter into a written grant agreement with the administrative entity that shall include the following requirements:

"(1) USE OF GRANT.—

"(A) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount of each grant may be used for administrative expenses.

"(B) COMPENSATION AND BENEFITS.—Not less than 70 percent of the amount of each grant may be used to provide payments and benefits to each participant as described in section 636.

"(C) CONSTRUCTION CONTRACTS.—An administrative entity may expend, for costs associated with a contract described in section 604(b)—

"(i) not more than 10 percent of the amount of the grant; or

"(ii) such greater percentage as the Secretary may specify in a waiver granted to the entity.

"(2) LENGTH OF EMPLOYMENT.—An administrative entity shall employ a participant in such a project for a period of not more than 2 years.

"(3) TRAINING.—An administrative entity shall provide training to participants in accordance with section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12578).

"(4) EVALUATIONS.—

"(A) IN GENERAL.—An administrative entity shall conduct periodic evaluations of each participant in such a project, and shall make such evaluations available to the participant not less often than monthly.

"(B) CONFIDENTIALITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), in carrying out the duties of the entity under this subtitle, an administrative entity shall maintain the confidentiality of the evaluations described in subparagraph (A).

"(ii) DISCLOSURE.—The content of any information contained in an evaluation may be disclosed with the prior written consent of the participant with respect to whom the evaluation is maintained.

"(5) OTHER CONDITIONS.—The administrative entity shall comply with such other conditions as the Secretary determines to be appropriate.

"(d) ELIGIBLE ORGANIZATIONS.—An organization eligible to receive a grant under this subtitle shall be an organization that—

"(1)(A) is a State or local agency; or

"(B) is a private nonprofit organization; and

"(2) provides services related to a community service field within the region served by the regional office.

"(e) MODIFICATIONS.—If changes in labor market conditions, funding, or other factors require substantial deviation from an approved job training plan, the private industry council and the appropriate chief elected official or officials (as described in section 103(c)) shall submit a modification of such plan, which shall be subject to review in accordance with section 105.

"SEC. 635. SELECTION AND ELIGIBILITY OF PARTICIPANTS.

"(a) APPLICATION.—

"(1) SUBMISSION.—To be eligible to participate in a national youth community corps project, an individual shall submit an application to the Governor at such time, in such manner, and containing such information as the Secretary shall by regulation require.

"(2) CONTENTS.—At a minimum, the application shall contain information indicating the national youth community corps projects in which the individual seeks to participate.

"(3) REFERRAL.—The Governor shall refer the application to each administrative entity administering a national youth community corps project in which the individual seeks to participate.

"(b) ELIGIBILITY.—To be eligible to participate in a national youth community corps project, an individual shall be age 17 to 22.

"(c) SELECTION.—The administrative entity shall make offers to eligible individuals to become participants in the national youth community corps project.

"SEC. 636. PAYMENTS AND LIVING ALLOWANCES OF PARTICIPANTS.

"(a) PAYMENT.—The administrative entity shall make payments to participants for—

"(1) the educational credit described in subsection (c); or

"(2) the cash benefit described in subsection (e).

"(b) ELECTION.—On completion of service in a national youth community corps project, a participant shall elect to receive the educational credit or cash benefit.

"(c) EDUCATIONAL CREDIT.—

"(1) AMOUNT.—Each participant electing to receive the educational credit shall receive as payment under the program a credit equal to the sum of $10,000 per year.

"(2) RECEIPT.—In order to receive an educational credit earned under this section, a participant shall submit to the administrative entity such information and documentation as the Secretary may require, including information indicating the academic program and institution of higher education at which the credit will be used.

"(3) ACCEPTANCE.—The Secretary of Education, in consultation with the Secretary of Labor, shall promulgate regulations establishing a program and procedures under which the credits shall be accepted at institutions of higher education.

"(d) CASH BENEFIT.—Each participant electing to receive the cash benefit shall receive as payment under the program a sum of $5,000 per year.

"(e) LIVING ALLOWANCES.—An administrative entity shall provide living allowances to participants in a residential national youth community corps project for the period of employment, in accordance with subsections (a) through (c) of section 147 of the National and Community Service Act of 1990 (42 U.S.C. 12577).

"SEC. 637. DUTIES OF STATE UNITS.

"Each State unit shall, with respect to a National Youth Community Corps program conducted in the State—

"(1) administer the National Youth Community Corps program pursuant to this subtitle D;

"(2) provide technical assistance to the applicants and the grant recipients described in section 634(a);

"(3) consult with the organizations described in section 634(d), to facilitate coordination among the organizations;

"(4) submit to the Administrator, by not later than the end of each fiscal year, an annual report that describes the activities of the State unit during the fiscal year;

"(5) consult with the head of the State agency responsible for the administration of employment services to ensure that the agency will refer eligible students who elect to participate to the national youth community corps program;

"(6) in carrying out this subtitle, consult with the Administrator and the chairperson of the Commission on National and Community Service to coordinate the program established under the subtitle with programs under the National and Community Service Act of 1990; and

"(7) hire such personnel as are necessary to ensure that such duties are carried out, including such personnel as are necessary to provide appropriate training to participants in the program.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Job Training Partnership Act (29 U.S.C. 1502) is amended by adding at the end the following new subsection:

"(g) There are authorized to be appropriated to carry out subtitles A, B, C, and D of title VI such sums as may be necessary for fiscal year 1993 and each of the subsequent fiscal years.".

SEC. 4. AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) DISREGARD OF INCOME.—Section 402(a)(8)(A) of the Social Security Act (42 U.S.C. 602(a)(8)(A)) is amended—

(1) by striking "and" at the end of clause (vii); and

(2) by adding at the end of the subparagraph the following new clause:

"(ix) shall disregard compensation earned as a program participant under subtitle B, C, or D of title VI of the Job Training Partnership Act; and".

(b) EMPLOYABILITY PLAN.—Section 482(b)(1) of the Social Security Act (42 U.S.C. 682(b)(1)) is amended by inserting after subparagraph (B) the following new subparagraph:

"(C) If the State agency determines that the individual is eligible to participate in an accessible grant project under subtitle B, C, or D of title VI of the Job Training Partnership Act, the plan must provide for referral to the State director (for referral to such grant project). The preceding sentence shall not apply if participation in an educational program or a job skills training program would interfere with participation in such grant project, and the employability plan provides for participation in such program, unless the individual does not maintain satisfactory progress towards attaining a degree under the educational program or has not found employment within 9 months of entering the job skills training program.".

(c) SERVICES AND ACTIVITIES.—Section 482(d)(1)(A)(i) of the Social Security Act (42 U.S.C. 682(d)(1)(A)(i) is amended—

(1) by striking "and" at the end of subclause (III); and

(2) by adding at the end of the clause the following new subclause:

"(V) referral to projects under the community works progress program, the youth community corps program, and the national youth community corps program; and".

(d) WORK SUPPLEMENTATION PROGRAM.—Section 482(e) of the Social Security Act (42 U.S.C. 682(e)) is amended by adding at the end of the subsection the following new paragraph:

"(8) Nothing in this subsection shall be construed so as to modify the requirement under subsection (b)(1)(C) relating to the referral of an eligible individual to an administrative entity under subtitle B, C, or D of title VI of the Job Training Partnership Act.".

(e) COMMUNITY WORK EXPERIENCE PROGRAM.—Section 482(f) of the Social Security Act (42 U.S.C. 682(f)) is amended by adding at the end of the subsection the following new paragraph:

"(5) Nothing in this subsection shall be construed so as to modify the requirement under subsection (b)(1)(C) relating to the referral of an eligible individual to an administrative entity under subtitle B, C, or D of title VI of the Job Training Partnership Act.".

SEC. 5. COMPENSATION EXCLUDED AS WAGES FOR UNEMPLOYMENT COMPENSATION.

Subsection (c) of section 3306 of the Internal Revenue Code of 1986 is amended—

(1) by striking "or" at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting "; or"; and

(3) by adding at the end of the subsection the following new paragraph:

"(21) service performed as a participant under subtitle B, C, or D of title VI of the Job Training Partnership Act.".

SEC. 6. EXCLUSION OF COMPENSATION AND BENEFITS FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and inserting after section 135 the following new section:

"SEC. 136. CERTAIN JOB TRAINING COMPENSATION.

"In the case of an individual, gross income does not include any compensation and benefits as defined in section 606(c) of the Job Training Partnership Act.".

(b) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the item relating to section 136 and inserting the following new items:

"Sec. 136. Certain job training compensation.

"Sec. 137. Cross references to other Acts.".

SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

(a) APPROVAL.—Section 103(d) of the Job Training Partnership Act (21 U.S.C. 1513(d)) may be amended by inserting "or title VI" after "section 104".

(b) TABLE OF CONTENTS.—The table of contents relating to the Job Training Partnership Act is amended by adding at the end the following:

"TITLE VI—COMMUNITY WORKS PROGRESS AND YOUTH COMMUNITY CORPS PROGRAMS

"Subtitle A—General Provisions

"Sec. 601. Definitions.
"Sec. 602. Establishment of Community Works Progress Office.
"Sec. 603. Community works progress plan.
"Sec. 604. Contracts.
"Sec. 605. General project requirements.
"Sec. 606. Treatment of compensation or benefits under other programs.
"Sec. 607. Progress reports.
"Sec. 608. General accounting office report.

"Subtitle B—Community Works Progress

"Sec. 611. Definitions.
"Sec. 612. Community works progress program.
"Sec. 613. Allotments.
"Sec. 614. Community works progress projects.
"Sec. 615. Selection and eligibility of participants.
"Sec. 616. Compensation and supportive services for participants.
"Sec. 617. Duties of the State units.

"Subtitle C—Youth Community Corps Program

"Sec. 621. Definitions.
"Sec. 622. Youth community corps program.
"Sec. 623. Allotments.
"Sec. 624. Youth community corp projects.
"Sec. 625. Selection and eligibility of participants.
"Sec. 626. Payment of participants.
"Sec. 627. Duties of the State units.

"Subtitle D—National Youth Community Corps Program

"Sec. 631. Definitions.
"Sec. 632. National youth community corps program.
"Sec. 633. Allotments.
"Sec. 634. National youth community corps projects.
"Sec. 635. Selection and eligibility of participants.
"Sec. 636. Payments and living allowances of participants.
"Sec. 637. Duties of State units.".

Mr. BOREN. Mr. President, the current welfare system needs a complete overhaul. No one doubts it. It is serving neither the taxpayers nor the wel-

fare recipients. There are too many people in this country drawing a check for doing nothing, who feel alienated and hopeless. It is high time for us to return these people to the productive part of our country and bring them back to the fold of the community. If we can help restore people's integrity then that is worth far more than anything a welfare check can buy.

The taxpayers currently get very little for what they are spending. Those on welfare are deprived of a sense of personal worth which comes from the satisfaction of performing useful work. In addition, the unhealthy idleness promoted by the current welfare system also contributes to increased crime rates, drug abuse, family disintegration, higher school dropout rates, and many other serious social problems.

There is nothing worse for an individual than to have no reason for getting out of bed in the morning, to have no sense that they are doing anything of value or contributing anything back to the community.

In spite of billions spent on welfare programs, America's urban underclass is growing at an unprecedented rate. In the last 2 years, the number of people receiving AFDC benefits has gone up 24 percent and total spending has increased 17 percent.

As the New York Times put it on March 1:

> Faced with welfare rolls that now reach records every month, the country seems stuck. It cannot increase payments without making welfare more attractive. It cannot cut them without risking further harm to the 13 million people on welfare, 9 million of whom are children. Either direction promises more misery.

While marginal progress has been made in the last few years through job search programs, only 7 percent of the welfare population has actually switched from welfare to work under these plans.

America cannot continue to support a welfare system that spends, but does not invest; one that takes, but does not given back. We have to reawaken the spirit of community in this country and help to make America great again. We have to invest more of our resources in our people. It is time we changed our welfare system to give people a chance to work instead of simply giving them handouts. Let us bring back a modern version of the WPA and restore people's pride in their work. Let us help those who are stuck in the unrelenting cycle of welfare, poverty, and unemployment regain their self-respect and make a real contribution to their communities.

During the 7 years the WPA was in existence, 1935 to the end of 1941, WPA workers built more than 650,000 miles of highways, roads, and sidewalks, 124,000 bridges, 125,000 public buildings, and 39,000 schools. They served more than 1 billion lunches to people who were hungry. They were able to sew together 350 million garments to provide clothing for those that were cold in the winter time. Books were written; murals were painted. The total 7-year cost of the WPA for all of its benefits to the country, in 1991 dollars, was $90 billion.

For 90 billion current dollars, in 7 years, we received those 650,000 miles of roads and those 39,000 school buildings and those billion meals served, as well as numerous other contributions.

In contrast, the last 8 years of our current welfare system have not cost the taxpayers $90 billion; they have cost the taxpayers $932.5 billion, 10 times the cost of the WPA and the CCC, with tangible benefits to show for it.

These people will never have the satisfaction, like those who worked on the WPA or the CCC, of pointing to some valuable community project and saying, "I helped build that park. I helped build that school. I have the satisfaction of contributing something to my community. I helped serve meals to the homeless."

I will never forget talking to an elderly gentleman one day after a speech in a football stadium in a small town in Oklahoma. He came up to me and said, "Senator, do you see that stadium wall over there?" I said, "Yes, sir." He said, "I built that stone wall myself. It was part of the WPA." He said, "You see there is not a crack in it. It is not an inch out of line today. It has not settled. It was built right."

As I listened, I thought to myself, that man feels like a part of the community. He feels pride because of what he gave back. In a way, that football stadium belongs to him. I bet he has never even dropped a candy wrapper in that football stadium, and he certainly would not stand by and see it vandalized.

The community WPA—The modern version that we are creating in this bill—is designed to create jobs for welfare recipients and the unemployed to help make them feel part of the community. Our plan would put them back to work as productive members of society and would make workfare job search requirements a reality. All able-bodied welfare recipients, with the exception of women with small children and those who are enrolled in education and job training programs—which, of course, we want to encourage—could be required to take an available job with the new Community Works Project Administration [CWPA], if they are unable to find a job elsewhere. At least 25 percent of these jobs would be reserved on a voluntary basis for those who have been unemployed for 5 weeks or more.

The program would be administered by the Department of Labor's Employment and Training Administration through the State agency which administers the Job Training and Partnership Program. We would not be creating any new bureaucracy with additional costs. Local and State agencies, as well as private nonprofit organizations, could apply for grants from the Community WPA. The projects could include areas such as infrastructure construction and maintenance, the creation or maintenance of parks, community work such as law enforcement assistance, assistance to police, delivering meals to the elderly and shut-ins, or any other proposed projects which serve a useful public purpose.

The U.S. Conference of Mayors has published two volumes containing over 7,200 proposals for job projects which are ready to go. All they need are labor power and adequate funding. The CWPA will help our Nation restore its crumbling infrastructure, and in return, provide all participants with a compensation at least 10 percent higher than their current welfare or unemployment benefits. Because we want to encourage people to go to work and be productive and not to penalize them, as we often do under the current welfare system, by depriving them of some of their current benefits, or perhaps day care for their children or other benefits that are necessary for them to work.

Our plan would also create two youth divisions within the Community WPA to provide substantial education benefits to students and young adults in exchange for work on community projects.

The first division, the Youth Community Corps [YCC] would allow secondary school students to earn college scholarship funds by working on approved community projects after school or on weekends. Beginning in the 7th grade, students could work up to 250 hours per year on these projects until they reach 12th grade. Students participating for 6 years could earn up to $10,000 in educational benefits or elect to receive $5,000 cash upon graduation as an alternative.

If they earn these education benefits, it would not be counted against any resource that they might otherwise qualify for under Federal scholarship or loan programs, Pell grants, or otherwise.

The second division, the National Youth Community Corps [NYCC], would create camps, or dormitory units in urban areas, for young people age 17 to 22 to work on projects ranging from reforestation to auxiliary police work to town beautification. With the continued down sizing of the Military Establishment in the country, old military bases and former military personnel could be put to good purpose and used to help house, supervise, and train young adults. A volunteer national youth corps would help get young people off the street while providing them with a real education opportunity, because they also would be able to earn $10,000 in educational benefits for each year of service to be used for college,

vocational school, or other kinds of additional training that they need. Those not wishing to continue their education after high school would also have the option of receiving $5,000 a year in cash, although they would have the choice of receiving, as I say, twice that value in educational benefits.

Non-high-school graduates would be required to complete high school GED diploma work on the programs to be eligible for any of these bonuses. So we encourage education. We require that high school be completed in order to qualify for these benefits.

Preference to those signing up for the youth programs would be given to dependents of families who are on welfare, out of work, or below the poverty level. But the corps would not be limited to these groups. Other young people hoping to have a work experience would have the opportunity if the funds were available.

Let us give young Americans who are disadvantage and disillusioned an incentive to become a productive part of society. Let us instill in them at an early age the ethic of hard work, reward them for providing service to their country, and give them a sense of accomplishment—accomplishments on which they can look back in later years with pride.

It is time to recycle an approach that worked well in the past and modify it to current conditions. Instead of the growing division in our country between taxpayers and welfare recipients who are taking tax benefits—a widening gulf, increasing resentment, and increasing sense of division in our country—it is time to make all Americans part of the same team.

And maybe someday, welfare recipients, unemployed people, and young adults will be able to point to some major community facility, environmental project, or restoration project and like that man who stood in the football stadium who had worked on the WPA, pointing to that stone wall—can say with pride, "I helped to build it."

That is what we need in this country. We cannot afford to waste the talents of 10 percent of our people. Almost 1 in 10 receive some check in the mail, again, but are not giving back to the community or producing anything in return. We need to give them the opportunity to contribute to their neighborhood, to give back something to the community.

I have received letter after letter after letter, from people who are now receiving public assistance saying, "I want a chance to work."

I received a letter from one of my constituents a couple of months ago which says:

I congratulate and applaud you on the changes you are making in the welfare system.

I am a long-time recipient, and not proud to admit it. If given the opportunity, I would definitely like to earn my living the right way.

He goes on:

You are totally right. Being on the system much longer than I should have, idleness did set in and deprive me of many opportunities.

The system causes the following:

Taking handouts, you become insecure.

This is a person now receiving assistance:

You lose confidence; you lose interest; you become withdrawn; you become depressed; denial sets in.

I look forward to working again.

That is the last sentence in this letter.

We have to give people that chance. We have to give them a chance, like another person who wrote to me from Watts, OK, when he first heard about this project. He worked on the WPA instead of drawing a check and avoided having the disillusionment and depression described by this recipient, who just wants the opportunity to go back to work. He said:

I applaud your efforts * * * the thirties concept—of the WPA is right on track. Becoming a taxpayer is much preferred to becoming a tax recipient.

I spent a couple of years in the CCC's during the thirties and learned a good trade along with doing some meaningful work.

I was a heavy equipment operator and we were engaged in Soil Conservation Service work.

I made a career out of heavy construction and made a good living also.

Keep promoting the 1930-1940 concept of work for pay. There is much work to be done throughout the U.S.A. Let's just do it.

Mr. President, I certainly could not put it any better than those two constituents, one who had the experience of working under WPA and the CCC, and one who hopes to have that opportunity in the future. It is time to bring us together as one people again. It is time to use the talents of all of our people. It is time to have a program that allows every American a sense of dignity, a sense of contribution, a sense of being a part of the community.

We cannot lead the world if we waste the talent of a tenth of our people. We cannot lead the world until we become united as one people, not with divisions between those who feel they are on the receiving end and those who resent being on the paying end.

Let us have a program that works. Let us put something back in place that worked in the thirties and forties. Let us stop spending $910 billion on a subsistence program, when by contrast we could have a program that works and that allows people not just to subsist, but allows them to have a meaningful life and to take part in making this country great again.

So, Mr. President, I hope others of our colleagues will join eight of us who are introducing this bill today, including the distinguished Presiding Officer.

I ask unanimous consent to have printed, in addition to the letters I have just read portions of into the RECORD and a statement from the Oklahoma Municipal League, which is an expression of some 400 mayors and community leaders in my State, endorsing this proposal; and also an article from the New York Times which reports on the proposal which we are making.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 8, 1992.

DEAR SENATOR BOREN: I congratulate and applause you on the changes you are making in the welfare system.

I am a long time recipient and not proud to admit, if given the opportunity I would definitely like to earn my living the right way.

I became a dependent recipient, after a fatality in my immediate family, and could not cope mentally and socially for some time.

I was terminated from my employment, and grasped on the welfare system.

Senator, I really needed counseling, was not given such option.

You are totally right being on the system much longer than I should have, idleness, did set in, and deprive me of many opportunities.

The system downfalls are many as follows.

1. Taking handouts you become insecure.
2. You lose confidence.
3. You lose interest.
4. You become withdrawn.
5. You become depressed.
6. Denial sets in.

As a recipient for many years off and on I can speak for many.

Rehabilitation for a week could give confidence and effort for needing employment.

I have the capability of holding employment, having been denied so much I lost confidence in my abilities to strive for security.

I thank you for reading my letter and I feel hope for 1992.

The right to work changed in the early eighties needs looking into as well.

I look forward to working again.

Sincerely,

_____, _____.

JANUARY 24, 1992.

Senator DAVID L. BOREN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOREN: I commend you on your proposal to introduce legislature to revive programs such as WPA and CCC for getting people off government welfare.

In the early 1930's, during the Great Depression, I got to work on a WPA project driving a dump truck. At the time, there were no jobs; and, I was most thankful for this chance to earn money so I could (1) eat, and (2) so I could save to go to college.

During World War II, I was an American Red Cross Field Director serving at military bases. After the war, I was recruited by the State of California to be a Boy's Group Supervisor in the newly formed California Youth Authority.

The purposes of the California Youth Authority was to take wards of the court between the ages of 18 to 25, and place them in special Forestry Camps. In addition to fighting forest fires, these young men built roads and telephone lines for the Forestry Department; planted tree seedlings in forestry nurseries, and performed other worthwhile jobs.

In 1949, California decided to revive a CCC-type program. Here I refer you to the enclosed pages 1 through 5 for details which appeared in California newspapers. The project was located in a remote area in Desolation Valley approximately seven miles above Lake Tahoe, and could be reached only by a foot path.

Pages 6 through 22 is my report on the very first tour of duty on the project. I was the first supervisor selected for the job. The report, incidentally, was read on the floor of the Legislature at Sacramento.

Pages 25 through 34 is an article which appeared in full color that was published in the April 1983 issue of the Smithsonian, regarding California's CCC some 24 years later.

Again, Senator Boren, I want you to know I strongly support you on these types of programs. I do so because, from personal experience, they do work.

Yours truly,

_____.

ADAIR COUNTY,
Watts, OK, January 9, 1992.

Senator DAVID BOREN.

SIR: I applaud your efforts to get our people back to work and the '30's concept is right on target. Becoming a taxpayer is much preferred to becoming a taxrecipient.

I spent a couple of years in the C.C.C.s during the '30's and learned a good trade along with doing some meaningful work.

I was a heavy equipment operator and we were engaged in Soil Conservation Service work.

I made a career out of Heavy Construction and made a good living also.

Keep promoting the 1930–1940 concept of work for pay. There is much work to be done throughout the U.S.A. Let's just get at it!

Sincerely,

_____.

OKLAHOMA MUNICIPAL LEAGUE, INC.,
Oklahoma City, OK, January 17, 1992.

Hon. DAVID L. BOREN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOREN: The Oklahoma Municipal League Board of Directors went on record supporting your "Community Works Progress Administration" proposal during their Board meeting earlier this month. I believe the support of the OML can be beneficial for the proposal, as our association represents almost 400 cities and towns in Oklahoma, and we are affiliated with the National League of Cities with whom we could solicit further support.

There is no doubt that municipalities, nationwide, could benefit from your proposed program!

I'm sure you're aware that the vast majority of local governments, including those in Oklahoma, are experiencing deteriorating infrastructure. Your proposal appears to attack that problem head-on.

Those same governments are also experiencing shrinking revenues with which to adequately maintain, let alone build, that infrastructure. Your proposal appears to offer a solution for that problem.

Please keep me posted as to the progress of your proposal. I would particularly welcome your suggestions as to how our Association can assist in this endeavor.

Our Board, and staff, stands ready to assist any way we can.

Very truly yours,

WILLIAM A. MOYER,
Executive Director.

RESOLUTION 1992-6

Whereas, over $210 billion was spent last year on welfare programs—almost 4% of our total GNP; and

Whereas, taxpayers get very little for what is being spent, those on welfare are deprived of a sense of personal worth which comes from the satisfaction of performing useful work, and unhealthy idleness contributes to the problems of crime, drug abuse and many other social problems; and

Whereas, U.S. Senator David Boren is proposing the creation of the "Community Works Progress Administration" which would provide jobs to welfare recipients and the unemployed; and

Whereas, the jobs created would be to assist local governments, among others, with such projects infrastructure construction and maintenance, the creation or maintenance of parks, or any other proposed projects deemed worthy; and

Whereas, local governments are experiencing deteriorating infrastructure and lack of funds to adequately cope; and

Whereas, the proposed Community WPA program could conceivably fulfill those needs. Now, therefore be it

Resolved That, the City of Weatherford, Oklahoma, by action of its governing board, applaud Senator David Boren's effort of introducing legislation in the U.S. Congress to create the "Community Works Progress Administration", and thereby support passage of the legislation by the Congress and signing into law by the President of the United States; and

Further, That a copy of this resolution be forwarded to Senator Boren with our sincere gratitude.

RESOLUTION 92-3-2

Whereas, over $210 billion was spent last year on welfare programs—almost 4 percent of our total GNP; and

Whereas, taxpayers get very little for what is being spent, those on welfare are deprived of a sense of personal worth which comes from the satisfaction of performing useful work, and unhealthy idleness contributes to the problems of crime, drug abuse and many other social problems; and

Whereas, U.S. Senator David Boren is proposing the creation of the "Community Works Progress Administration" which would provide jobs to welfare recipients and the unemployed; and

Whereas, the jobs created would be to assist local governments, among others, with such projects as infrastructure construction and maintenance, the creation or maintenance of parks, or any other proposed projects deemed worthy; and

Whereas, local governments are experiencing deteriorating infrastructure and lack sufficient funds to adequately cope; and

Whereas, the proposed Community WPA Program could conceivably fulfill those needs: Now, therefore, be it

Resolved by the Mayor and City Council of the City of Eufaula, That we applaud Senator David Boren's effort of introducing legislation in the U.S. Congress to create the "Community Works Progress Administration", and thereby support passage of the legislation by the Congress and signing into law by the President of the United States; and

Further, That a copy of this resolution be forwarded to Senator Boren with our sincere gratitude.

RESOLUTION 92-3

Whereas, over $210 billion was spent last year on welfare programs—almost 4 percent of our total GNP; and

Whereas, taxpayers get very little for what is being spent, those on welfare are deprived of a sense of personal worth which comes from the satisfaction of performing useful work, and unhealthy idleness contributes to the problems of crime, drug abuse and many other social problems; and

Whereas, U.S. Senator David Boren is proposing the creation of the "Community Works Progress Administration" which would provide jobs to welfare recipients and the unemployed; and

Whereas, the jobs created would be to assist local governments, among others, with such projects as infrastructure construction and maintenance, the creation or maintenance of parks, or any other proposed projects deemed worthy; and

Whereas, local governments are experiencing deteriorating infrastructure and lack sufficient funds to adequately cope; and

Whereas, the proposed Community WPA Program could conceivably fulfill those needs: Now, therefore, be it

Resolved, That the town of Wanette, by action of it's governing board, applaud Senator David Boren's effort of introducing legislation in the U.S. Congress to create the "Community Works Progress Administration", and thereby support passage of the legislation by the Congress and signing into law by the President of the United States; and

Further, That a copy of this resolution be forwarded to Senator Boren with our sincere gratitude.

ALTA & BOUNDARY,
Oologah, OK, March 3, 1992.

Hon. DAVID L. BOREN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOREN: I enjoyed your visit to Oologah, and hope that Seminole let you keep your souvenirs!

Enclosed is our Resolution 92-2, reflecting our support for your WPA proposal.

I am especially proud of this since I wrote to you several weeks ago also in support of this program.

Of course it is so logical, so cost effective, so American, that the Congress will probably fight you tooth and nail. I can only hope that your clear head and seniority will prevail.

Please impress on the opposition that we need to give a little dignity to our people instead of a monthly dole.

You have our personal best wishes for a successful term this year, and in the future.

Sincerely,

JANET MILLER,
Town Clerk.

RESOLUTION 92-2

Whereas, over $210 billion was spent last year on welfare programs—almost 4 percent of our total GNP; and

Whereas, taxpayers get very little for what is being spent, those on welfare are deprived of a sense of personal worth which comes from the satisfaction of performing useful work, and unhealthy idleness contributes to the problems of crime, drug abuse and many other social problems; and

Whereas, U.S. Senator David Boren is proposing the creation of the "Community Works Progress Administration" which would provide jobs to welfare recipients and the unemployed; and

Whereas, the jobs created would be to assist local governments, among others, with such projects as infrastructure construction and maintenance, the creation or mainte-

nance of parks, or any other proposed projects deemed worthy; and

Whereas, local governments are experiencing deteriorating infrastructure and lack sufficient funds to adequately cope; and

Whereas, the proposed Community WPA program could conceivably fulfill those needs: Now therefore be it

Resolved, That the Trustees of the Town of Oologah, by action of it's governing board, applaud Senator David Boren's effort of introducing legislation in the U.S. Congress to create the "Community Works Progress Administration", and thereby support passage of the legislation by the Congress and signing into law by the President of the United States; and

Further, That a copy of this resolution be forwarded to Senator Boren with our sincere gratitude.

LATEST PLAN TO CURE WELFARE TROUBLES BORROWS W.P.A. BLUEPRINTS OF 1930'S

(By Jason DeParle)

WASHINGTON, March 12.—In this season of welfare discontent, one of the oldest ideas in social policy is getting talked up as the newest solution: the Works Progress Administration, Franklin D. Roosevelt's sweeping public jobs program.

The creation of a new W.P.A. has long been a favorite idea of few policy hounds and unsuccessful candidates. But today it reached a kind of political maturation when a group of Congressional Democrats announced a legislative plan to make it a reality.

Roosevelt used the program as an alternative to the dole in combating unemployment, putting an army of jobless people to work building roads, bridges, schools, stadiums, culverts, courthouses, and other structures, many of which endure.

Senators David L. Boren of Oklahoma, Paul Simon of Illinois and several others see an updated purpose: giving welfare recipients the dignity of serious work, while offering taxpayers the benefits of tangible returns.

"The taxpayers get very little for what they are spending," said Mr. Boren, who is calling his program the Community Works Progress Administration. "Those on welfare are deprived of a sense of personal worth which comes from the satisfaction of performing useful work."

W.P.A.-style proposals are a variation on "workfare," but much more ambitious than the kind of programs that have recently been tried, which involve limited hours, modest work projects and are all limited to welfare recipients.

A quarter of the slots in Mr. Boren's program, for instance, would be open to people who are not on welfare. And he is putting an emphasis on building and repairing things, while many recent workfare jobs have involved less visible tasks, like filing.

Mr. Boren was quick to acknowledge that in today's cash-tight Congress, a modest pilot program might be all he could realistically expect. And he can expect to encounter many pockets of opposition after formally introducing the bill in the next few weeks. In the past, many liberals have dismissed such proposals as punitive "slavefare," while conservatives have conjured public works images of six people leaning on shovels while one digs a hole. In addition, public employee unions have resisted the proposals, which would provide rival sources of public labor.

But the plan is significant because it puts forth a welfare proposal far more radical than most now being discussed.

"For all the rhetoric about welfare, the nation has not been committed to coming up with the bottom line—an actual job," said Sheldon Danziger, a professor of social work and public policy at the University of Michigan. "By now we've learned that if we really want to tackle the welfare problem, the Government has to act as an employer of last resort."

The talk of a new W.P.A. comes as welfare rolls reach record levels each month, many states are cutting benefits and a number of conservative politicians are trying to gain political advantage from denouncing the system.

In recent weeks, President Bush has added his voice to the chorus of critics, with campaign commercials that promise to "change welfare and make the able-bodied work."

Beneath the suddenly roiling surface of politics, the country has been stressing two different approaches to welfare revision in recent years.

One school, led by Senator Daniel Patrick Moynihan of New York and Representative Thomas J. Downey of Long Island, both Democrats, stresses the education and training of families on welfare. The two sponsored the 1988 Family Support Act, which now provides up to $1 billion a year in Federal matching funds for states to train recipients.

But only about 60 percent of that money is now being spent, since states have had difficulty coming up with their part of the matching funds. And in an economy where many people with more education and longer work histories are also unemployed, welfare recipients continue to face strong disadvantages.

The second approach, often called "the new paternalism," seeks to alter the behavior of the poor through financial rewards: those who stay in school get small bonuses in their welfare checks, for instance, while those who are frequently absent suffer financial penalties.

While these programs have a popular appeal, reinforcing middle-class values held by many voters, the amounts of money involved are usually modest, generally about $50 a month. And numerous studies have suggested that such rewards have had little effect on major decisions like whether to work or marry.

The W.P.A.-type proposals are much bolder since they offer not just an incentive to get a job, but the real thing: the job itself.

"It represents a logical and radical approach that few politicians have been willing to support up to this point," said Mickey Kaus, who wrote an influential 1986 article in The New Republic calling for the replacement of welfare with a system of guaranteed Government jobs.

"Liberals have been unwilling to be tough enough, and conservatives have been unwilling to spend the money," he said.

Martin Anderson, a senior fellow at the Hoover Institution who served as President Reagan's domestic policy adviser, took a harsher view, citing the potential for big boondoggles.

"Jobs in the public sector are grossly inefficient," he said. "Its a bad idea, whose time has passed."

Senator Boren's plan would retain the current welfare system for women with young children and those enrolled in a education or training program. But most others would have to take public works jobs for up to 32 hours a week. The jobs would pay either the minimum wage, or 10 percent more than a welfare grant, whichever is higher.

The program would be run by the Labor Department. Local community groups, called private industry councils, would receive a set amount of money and design the kinds of public works projects they wanted to conduct.

Co-sponsors of the measure include Senators Harry Reid of Nevada, Carl Levin of Michigan and Thomas Daschle of South Dakota, all Democrats. In the House, Representative Glenn English, an Oklahoma Democrat, pledged to introduce similar legislation.

A MORE EXPENSIVE APPROACH

At a new conference today, they acknowledged that the plan would be more expensive than simply mailing welfare checks. Supervisors must be hired, and building supplies procured.

But standing before the grainy, black-and-white photographs of Depression-era projects, the Democrats ticked off a list of W.P.A. accomplishments in the agency's six-year span, which ended in 1941: 650,000 miles of roads, 18,000 playgrounds, 125,000 buildings.

"We face a basic choice," said Senator Simon. "Do we pay people for being productive or nonproductive?"

Mr. BOREN. Mr. President, I thank my colleagues for joining with me. I point out to my colleagues in the Senate this is quite a cross-section of Members of the Senate, across all portions of our party, all perspectives, all geographical areas of this country, that are joining together to make this proposal.

My distinguished colleague from Illinois, Senator SIMON, is on the floor. As I mentioned a moment ago, he is a principal sponsor of this proposal. For many years, he has made similar proposals in this body. He has been one of those who has helped to keep this idea alive for a long time, and he deserves great credit for it.

It is a real privilege for me to have the opportunity to join with him, to benefit from his experience, the research he has done over several years on these kinds of concepts; and to join with him and others who are introducing this bill as original sponsors and trying to work up an innovative program to solve one of the most basic and fundamental problems in our society today, to help rebuild our economic strength and our social strength in this country by finding a way to make all of our citizens productive again.

I appreciate his efforts and his help, and those of our other colleagues who have joined in this effort today. I hope before we are through, as we have 8 sponsors today, that we will have 92 other sponsors join us. This is the kind of proposal that deserves a unanimous vote of the Senate of the United States, to start to turn our country around in the right direction, make us one people again, and put people back to work.

Mr. SIMON. Mr. President, first I want to commend our colleague from Oklahoma, Senator BOREN, for his leadership on this matter. This is a concept that is long overdue.

Let me just say to my colleague from Oklahoma, Senator ROBB came over to me while the Senator was speaking,

and he wants to be added as a cosponsor. So we now have nine cosponsors instead of eight. We are moving in the right direction.

We have to do something, Mr. President, to make this country more productive. In February 1991, we had 8,131,000 people who were listed as unemployed. In February 1992, 9,244,000 Americans were unemployed—an increase of 1,113,000 who are listed as unemployed. I will get back to why I mentioned listed.

In my State of Illinois, in February 1991, 362,000 people were listed as unemployed. In February 1992, 1 year later, 521,000 Illinoisans were unemployed—an increase of 159,000 in one State.

I say listed as unemployed because this does not count the discouraged worker, the person who is just giving up, who no longer is signing up at the employment office—who has just really given up on our society. These figures do not count the person who works part-time. If you work 1 hour a week, you are not counted as unemployed.

The great division in our society is not between black and white; not between Hispanic and Anglo; not even between rich and poor. It is between those who have hope and those who have given up. We have too many people in our society who have given up.

We need to give them that sense of hope; and two things, and two things only, really give people a sense of hope. One is to have a job and feel like you are offering something, contributing something in a productive way to our society. The second is to see that your children are moving ahead educationally.

We have to give people one of those two indications of hope, and we can really given them both. We have all kinds of things that need to be done in our country. And we have all kinds of people who are unemployed. Why do we not have the good sense to mesh the two? We ought to be doing that.

For some time, I have been working on this concept and I am very pleased to have Senator BOREN join in this effort.

I wrote a book a few years back, called "Let's Put America Back to Work," suggesting that we really can learn from that WPA concept. We have, for example, among the unemployed, a great many people who really know how to read and write. In fact, while I was on a radio call-in show someone called in and said, "Believe it or not, I have a doctorate, and I am temporarily out of work. I am sure it is temporary."

But if I could be teaching someone how to read and write or doing something like that, I would be happy to do it.

There is no reason we cannot be doing that.

We have all kinds of people who do not know how to read and write. We have people who know how and who are unemployed. Why do we not put the two together?

Why do we not do things that are needed and that everyone acknowledges are needed? For example, why not plant some trees in this country? Not too long ago in southern Illinois, not far from my home, I went past a field where I saw they were clearing the trees so a farmer could plant corn or soybeans or whatever he or she wanted to plant. And I understand that. But when you cut down those trees, when you put in new shopping centers and parking lots and housing developments, down the river somewhere you are going to have floods and you are going to have a demand from somebody, "Let us get the Corps of Engineers in here to have a flood control project."

What if we took the people who are out of work today and planted 1 million trees each year, or 10 million trees each year? We would be a better country all the way around.

Mr. President, because I know of your interest in the literary field, I think you will recognize this particular example. When I was about 12 years old, I read Richard Wright's book, "Black Boy." It is not as famous as his book "Native Son," but it was a moving, gripping experience for me to read what it meant for someone to grow up as an African-American in this country.

It was not until many years later that I learned that Richard Wright learned to write under a WPA project. Instead of just having him be nonproductive, we had him writing and he enriched the Nation and he enriched me in this process.

This bill will head to the Labor and Human Resources Committee, I assume, and to the Subcommittee on Employment that I chair. I think we are going to have to modify it some. I think initially we are probably going to have a few demonstration projects. Let us see what we can do to let people be productive and earn a little more money in the process.

The average family on welfare in the State of Illinois collects $367 a month. Under this proposal you would work 4 days a week at the minimum wage on projects that are picked by local committees. That is not a lot of money, but it would amount to $535 a month. For someone making $367, that is a significant improvement. But it also gives people a chance to be productive. We are going to pay people for being productive or nonproductive, and I think we ought to be paying people for being productive.

Part of what I hope will be part of this is that we will have a screening process, and if people are out of work—and incidentally, part of this bill provides that 25 percent of the jobs are reserved not for those on welfare but for people who are out of work 5 weeks or more. One of the mistakes we make in our society today is that we force people to become paupers before we help them. We can do better than that, Mr. President. I think it follows logically on the proposals that have been made and the leadership that has been provided by Senator MOYNIHAN, our colleague from New York, who has been stressing training and other things as part of what we ought to be providing in the welfare field.

I mentioned that people will work 4 days a week. That was the way it was in the old WPA for the very important reason that on the fifth day you can be out trying to find a job in the private sector. What we want to do is to give people an opportunity to work but we also want to encourage them to be out looking for work in the private sector.

Mr. President, the need is simply overwhelming. We have been too indifferent to the desperate in our society. We must give them a chance to be productive, a chance to have pride—that is what everyone wants. Furthermore, these opportunities coincide with our needs as a nation.

The New York Times 2 weeks ago had figures, and I remember them going back over a 12-year period, for the productivity growth of the United States and some other countries. Productivity growth in the United States for that 12-year period, was 12 percent—1 percent a year. The productivity growth for Great Britain was 33 percent. For France, 38 percent; for what was then West Germany, 39 percent; for Japan, 58 percent.

We have to become more productive as a people, and we are going to be competing with the rest of the world in one of two ways. Economists do not agree on very much, as you know, Mr. President, but they do agree on this: We compete with the rest of the world either with low wages or high skills. I want us to be productive. I want us to compete with high skills. I want to give the people we are ignoring in our society a chance. I think the bill that has been introduced by Senator BOREN does exactly that. I am pleased to be a cosponsor. I hope this bill will move us in the right direction.

Mr. DASCHLE. Mr. President, the American welfare system is a failure for too many people. It fails both the taxpayers and welfare recipients. And, most importantly, it fails the children who are born into the cycle of poverty.

Earlier this morning the distinguished Senator from Oklahoma introduced legislation to reform that system and put both our tax dollars and the unemployed to work. I applaud him for spearheading this timely measure to revamp a welfare system that too often does more to perpetuate reliance on public assistance than to provide the necessary means and incentives for moving those in need of assistance back into the national work force.

Our country is faced with a variety of serious economic problems, problems that have festered too long without appropriate attention. Considerable attention has been focused recently on the economic burden facing the middle class. That burden is real. But often ignored in this debate are those who fall below the poverty line and are struggling daily to make ends meet and rejoin the economic mainstream. This timely legislation borrows from a successful concept from our past and molds it to effectively address a number of today's social challenges.

We have been hearing calls for welfare reform for a long time. Debate on this issue is often controversial. My motive for pushing for reform is not to deny benefits to those within our society who truly need our help. We have a responsibility to help. But we should help in a way that breaks the cycle of poverty and welfare dependence, and trains people for meaningful work opportunities. We must help those who need public assistance to make ends meet today, and develop their skills so they may secure productive jobs tomorrow. This bill, through the establishment of the Community Works Progress Administration [CWPA], is a major step in that direction.

We spend billions of dollars on public assistance. These payments certainly have helped to provide food, clothing, and shelter for millions of welfare recipients, and that is a worthy goal. But shouldn't we expect these dollars to work harder for both the recipients and the taxpayer? Through the CWPA, we will direct those funds toward local community projects that build both the individual welfare recipient's confidence in himself or herself, through gainful employment, and the institutions that support our communities.

In the 8 years that the original WPA was in existence, 8 million jobs were created and thousands of public works projects were completed by people who otherwise would have been on public assistance. The WPA of 50 years ago produced bridges, highways, schools, parks, and hospitals that are still in use today. It also offered participants the opportunity to learn and to master a marketable trade that they were able to use to secure jobs in the private sector.

The testimonials of citizens who worked on WPA projects in the 1930's tell the story. The sense of pride and accomplishment expressed 50 years later by those given the chance to engage in productive work rather than simply collect a public assistance check is a rare achievement. They have often cited the WPA experience as being instrumental to their learning of a skill that ultimately provided the means to secure the post-WPA jobs they maintained until their retirement. They ask, almost universally, why we in Congress have not resurrected the WPA. With this legislation, we hope to do just that.

I am very attracted to the two-prong approach this bill takes. It does not stop with those currently receiving public assistance. It proposes two additional programs under the Youth Conservation Corps, programs targeted at creating jobs for high school youths and high school graduates from families receiving public assistance. A key part of these programs are the work credits that can be earned toward college scholarships, used as down payments on first home purchases or taken in cash.

These programs are not just about temporary jobs, they are about making a concrete, long-term investment in our youth, many of whom feel alienated in their own country. Children who are growing up in neighborhoods with high unemployment and high drop-out rates. This bill is about offering these children a viable alternative to drugs, crime, or a life on welfare.

This bill will help address the needs of our communities by providing a source of talent, skill, and labor to work on meaningful community projects or programs, and it will give people an opportunity to work themselves out of situations that have caused them to depend on public assistance. It is a good investment in our communities, our infrastructure, and our people. I hope our colleagues will give this bill their full attention so that we may embark down that road.

Mr. LEVIN. Mr. President, I am pleased to be an original cosponsor of the Community Works Progress Act. As Senator BOREN explained, this bill represents a three-pronged approach to providing jobs both for able-bodied welfare recipients and work experience for unemployed young people. Specifically, this plan would bring back an updated and streamlined form of the WPA—the Works Progress Administration. It would permit local, State, and Federal agencies, along with not-for-profit organizations, to apply for WPA grants to pay for such projects as road and other infrastructure construction, law enforcement assistance, Meals-on-Wheels, or similar community-based work. All able-bodied welfare recipients eligible under the Family Support Act would then be required to take an available WPA job. For their work, WPA participants would be paid at salaries which are at least 10 percent higher than their welfare or unemployment benefits. Women with small children or recipients enrolled in education or job training programs would be exempt from participation in the WPA Program.

As this bill would begin to match able-bodied workers to sorely needed community work projects, it would also create work projects for youth and young adults by combining real-life work experience with an education component. To achieve this, this bill would establish a Youth Community Corps [YCC] which would allow students in grades 7–12 to earn funding for college tuition by working on approved community projects. If a student worked on community projects for the maximum allowable hours, he or she could be eligible for up to $10,000 in tuition benefits or $5,000 in cash.

The third program contained in this bill, the National Youth Community Corps [NYCC], would administer grants to public agencies, private nonprofit organizations, or private contractors for projects employing young adults between the ages of 17 and 22. Grant recipients would create camps in rural areas, or dormitories in urban areas for participants to stay while they work on community projects. Like the YCC Program, participants would be eligible for money for college tuition or cash income.

It is important to note that this legislation includes provisions to prevent and prohibit the displacement of currently employed workers by participants in the WPA plan. This is a crucial safeguard to ensuring that the WPA Program creates new jobs and does not threaten the security of employed workers.

Public assistance programs are meant as a social safety net for those who have fallen on hard times and are unable to secure for themselves such fundamental needs as food, heat for their homes, and health care. But the social safety net has its own snares. In many instances, the net catches people it is trying to help in an unceasing cycle of welfare, poverty, and despair.

Most families who find themselves on public assistance want what every family wants. They want a chance to work, to keep a home, educate their children, and improve their standard of living. This legislation would make available new jobs and allow those who are unemployed or on public assistance to obtain job skills and work experience.

The bill represents a multitude of opportunities. It offers the opportunity for a job for welfare beneficiaries. It offers to pave the way for a young person's college education in return for community work. It offers to pump more dollars into our economy, and to satisfy some of the need for public work projects and repairs to our infrastructure. It offers to continue the efforts that have been made to reform the welfare system in this country.

For these reasons and others, I support this bill and congratulate Senator BOREN on his vision and his leadership.

Mr. WOFFORD. Mr. President, I rise to salute the Senator from Oklahoma [Mr. BOREN] and the Presiding Officer, the Senator from Illinois, Senator SIMON, for taking the initiative and presenting the Community Work Progress Act of 1992, and the Youth Community Corps Programs.

In the days to come, I am going to be proud to be one of those first nine Senators to have signed on to this bill, and to have worked with Senator BOREN and Senator SIMON in shaping it, and I will be proud to work together with my colleagues in enlisting the majority of this body, including I hope the minority leader, who spoke to us just now about the urgency of putting jobs first, and who gave us the example of the Trinkler family, an example of active community service.

This bill combines the spirit of service with a structure for work that will make a reality for an idea whose time has come, the idea that there should be work, not welfare and, unemployment, and that every American has a right to a job, this is a right that we need to make a reality at a time when the needs are so great as they are today.

It is a cliche to say an idea's time has come, and I do not say it very often. Historically, the idea that women should have the right to vote took a long time to become a reality. Then finally, the sense that a woman's right to vote was self-evident and that was a scandal for women, who are half the people in this country, not to have the right to vote. And the time came when the idea of a woman's right to vote came to pass.

Similarly, with the right of black Americans to vote, and of all Americans to be free of the discrimination and the segregation laws. There were decades when the Senator from Illinois and others of us in this body were in the civil rights marches and in efforts to bring down the walls of racial segregation. We wondered how long it would be before those walls would fall. And the time finally came for that idea. And I believe that we are at that point with this idea today.

One hundred years ago Pope Leo XIII wrote an encyclical called Revum Novarum in which he spoke of the scandal of the working classes who had no workers compensation, no unemployment compensation, who had no worker protection, no labor standards. When you read that encyclical, you realize how the scandal of the conditions facing working people finally moved us, step by step, to take action to remedy every one of the points put forth by Pope Leo 100 years ago.

There is another scandal today for which we could use a new encyclical, and to overcome what we need this body to take action. That is the scandal of the conditions facing the nonworking classes, the people who are born into, or programmed into, a life of dependency, the people who find themselves drawn into it or thrown into unemployment and welfare by an economy that is on dead center.

This bill responds to those facts and moves America forward with the kind of social invention that we saw in the Great Depression with the WPA and the Civilian Conservation Corps. This bill takes that best tradition of those years of crisis which we forgot during the great war, World War II in which we were engaged and no one was unemployed. In the post-war years, we lost the spirit of the Civilian Conservation Corps—the spirit that says that when Society is in need of public service work there must be jobs available for people who are ready to work. This bill reclaims that tradition of work not welfare, and a society in which no one is without work.

If there is anything the Senate of the United States could do in the months to come that would be more important than this, I do not know it. I know another issue that is just as important. It is also a scandal that we are the only developed country, except if you count South Africa, that has no universal health care system. It is self-evident that people should have a right to a doctor if they are sick.

But it is just as self-evident a truth that work is the essence of human dignity. We must make that truth come to life in America. This bill points the way.

That is why in addition to saluting the Senator from Illinois and the Senator from Oklahoma I want to join forces in an effort to bring this idea to pass before it is too late for the working people and the young people who are waiting for work, and waiting for the chance to serve.

I close with one other note that responds to what the Senator from Oklahoma put so clearly about the pride and the sense of citizenship that you learn by having a chance to engage in public service work in the kind of youth corps that this bill will promote.

In Pennsylvania, we probably have more youth corps today, full-time, part-time, summer corps, year-round corps than any other of the States. Governor Casey has taken the lead in trying to make a reality of the proposition that service should be the common expectation of all young people, and that all should be asked and enabled to give a substantial period of service to their community. We have moved that forward in Pennsylvania.

Pennsylvania has also been a pioneer in showing how to promote worthwhile public service jobs for those who are unemployed. The Allegheny County Jobs for Economic Growth initiative of Commissioner Tom Foerster has proven that the approach contained in this bill works—it works to provide well-planned public service jobs to Pennsylvania's citizens who want to work.

And the National Service and Community Service Act of 1990 initiated by this body, is helping us move forward with this idea throughout Pennsylvania.

One young man in a youth corps put it all in words for me that I pass on to this body. I asked him why he was rising to the occasion of being an active-duty citizen when he had just a little while before been a high school dropout in a street gang that was heading into drugs and crime and maybe death. He said, "Because nobody had ever asked me before to do something to make a difference." He said, "All my life people had been coming to do good for me. Growing up in a public housing authority one group after another came to help me. For the first time this youth corps came along and said: 'There is work to be done. We need you. We can do it.'"

And as I listened to him, I remembered those first volunteers leaving for Africa from the White House lawn in 1961. I remembered a newspaper reporter asking a young man: Why are you going? Why did you of the me-first, silent generation, suddenly respond in this way by the hundreds of thousands to the call of the Peace Corps?

He said, "No one had ever asked me to do anything patriotic, unselfish, and for the common good before Kennedy asked."

We need to find the ways and means to ask again. And this bill begins to do that.

Mr. REID. Mr. President, Senator BOREN introduced the Community Works Progress Act of 1992, of which I am a cosponsor.

The jobless rate in this country shows no sign of improvement. The latest figures from the Bureau of Labor Statistics show almost 10 million workers are without jobs. That is 315,000 higher than in January. This brings the unemployment rate up from 7.1 percent to 7.3 percent.

In Nevada alone, over 9,100 men and women are receiving what we call extended benefits in addition to those receiving their regular unemployment benefits. The number of those receiving extended benefits, Mr. President, is continuing to climb at a rate of almost 2,400 a month in the State of Nevada alone. These extended benefits amount, in the State of Nevada, to almost $10 million.

What are we getting for that money? The answer, Mr. President, is nothing. Are the unemployed being retrained? No. Are we using their talents in productive ways? No, we are not.

The current welfare system in America is in many instances a demeaning system. We make people take handouts. No one wants a handout. People want to live productive lives.

Mr. President, in an 8-year period, from 1983 to 1990, the Federal Government handed out almost $1 trillion in cash to welfare recipients. To be exact, $932.5 billion. That is almost $1 trillion, as I indicated. What do we have to show for it? Nothing.

In another 8-year period, from 1935 to 1943, a different kind of welfare program, the Works Progress Administration, spent—in present day dollars,

about $90 billion—$11 billion. And what did we get for that? What did we get for this welfare program? We got the following: 651,000 miles of highways and roads, 124,000 bridges, 39,000 schools, a number of other improved schools, 8,000 parks, 18,000 playgrounds, 1,000 libraries, and almost 600 airports, to name just a few. Anyplace in the United States today you can find facilities that were built then. The first road built in the Lee Canyon area, which is now a ski resort area outside Las Vegas, is still there. It was the first road built though this area. A school called the Fifth Street Grammar School, built in 1932 in Las Vegas, an architectural beauty, is still being used. It is now owned by Clark County and is used for other purposes.

All over the United States these programs of the Welfare Progress Administration are still being used. These are the things we received in return for a welfare program. The participants also constructed power lines in rural areas, planted millions and millions of trees, exterminated rats in slum areas. In Nevada, one of the big programs was exterminating grasshoppers during a plague of grasshoppers. They organized nursery schools.

This program gave work to about 8.5 million Americans, some of them very famous Americans.

Woody Guthrie, Studs Terkel, Saul Bellow, a Nobel Prize winner in literature, Jackson Pollack, and many others were put to work under the WPA. Many talented writers contributed to the American Guide Series, which covered every State, and are still in use. They covered regions and cities.

Alfred Kazin said these writers "uncovered an America that nothing in the academic histories had ever prepared one for."

The State of Nevada benefited greatly from WPA. Over 2,000 miles of roads were built or improved; 154 bridges, even, in the State of Nevada; 60 schools—I talked about the grammar schools—were built or reconstructed, 39,000 feet of runway were built or improved, and many other projects were undertaken.

I am going to Reno, NV, this weekend, and from the airport I will drive over two bridges that have been in existence for almost 60 years, that were built by the WPA.

Out in the area where I was born, raised, and still have a home, Searchlight, NV, there are facilities that I can look back on—as a young boy—that were built by the WPA and the Civilian Conservation Corps. These were called Six-Mile, and Ten-Mile places where we as kids used to go and swim. They are still there.

Other works programs during the Great Depression completed Boulder Dam, built the Tennessee Valley Authority, and finished New York City's Triborough Bridge, that we still drive over when we catch a plane going to New York City.

Today, we still cross bridges these workers made, attend their schools, ride on their roads, and use the public buildings they built or decorated with murals. And the $250 million that WPA spent refurbishing Army and Navy facilities proved useful in the short term.

As important as anything the WPA built, this agency boosted the morale of Americans by giving them a chance to avoid the humiliation of being on relief, of being on the dole, of getting something for nothing. These men and women were on relief, were on welfare, but they did something in exchange for what the Government gave them. Samuel Cohn, who was a WPA economics statistician, said:

> People talk about leaf-raking and say it was not very economic. It served a purpose. It made people feel more useful at a time when that was important.

Woody Guthrie, as I mentioned, was one of those artists employed by the WPA. Guthrie wrote the following in one of his letters:

> I think real folk stuff scares most of the boys around Washington. A folk song is what's wrong and how to fix it, or it could be who's hungry and where their mouth is, or who's out of work and where the job is, or who's broke and where the money is, or who's carrying a gun and where the peace is. That's folk lore and folks made it up because they seen that the politicians couldn't find nothing to fix or nobody to feed or give a job of work. I can sing all day and all night, sixty days and sixty nights, but of course I aint got enough wind to be in office.

This is the same man that wrote American classics like "This Land is My Land, This Land is Your Land," "Roll on Columbia, Roll On," and hundreds and hundreds of other songs he wrote while he was on welfare. But he was being paid for being on welfare, for writing these American classics.

Mr. President, folks are crying out. We hear them; we need to hear them. We need to take action. We need to just stop blowing wind.

None of the projects funded under the bill that was introduced today by Senator BOREN and cosponsored by Senator SIMON, me, and I hope a lot of other Senators, need be make-work projects. It is a bill that will put people to work, and will again bring dignity to the welfare system.

I talked about how it used to be. It could still be that way. We need to have people feel like they are worth something; not having, as Woody Guthrie said, "a job of work."

I recently received two volumes entitled "Ready to Go, a Survey of U.S.A. Public Works Projects to Fight the Recession Now." This publication is put out by the U.S. Conference of Mayors. This publication contains responses from 506 cities, listing over 7,252 projects that are, right now as I speak, ready to go; people can start to work on them now. And they would create almost half a million jobs in 1992 alone.

The city of Henderson, NV, alone, a suburb of Las Vegas, has 19 projects ready to go, including the building of several parks, the extension of a highway, a flood control project, the building of a water treatment plant, and the rehabilitation of a youth center that was built when I was a young boy going to high school in the Henderson, NV, area.

These projects, in Henderson, NV, alone, would create 1,182 jobs in 1992 in Henderson. This one town could employ 13 percent of those currently receiving extended benefits in Nevada.

There is work to do. Mr. President, there are people to do it who want to do it. So let us get busy.

I ask all of my colleagues to support this most worthy legislation.

By Mr. SEYMOUR (for himself, Mr. DOLE, and Mr. LUGAR):

S. 2374. A bill to amend the Child Nutrition Act of 1966 to establish a breastfeeding promotion program; to the Committee on Agriculture, Nutrition and Forestry.

BREASTFEEDING PROMOTION ACT OF 1992

• Mr. SEYMOUR. Mr. President, on behalf of my distinguished colleagues, Senators DOLE and LUGAR, I rise today to introduce the Breastfeeding Promotion Act of 1992. This bill focuses on the future health of our children by promoting a healthy beginning for the thousands of infants born into the United States each year.

This legislation authorizes the use of both private and public funding by the Secretary of Agriculture to begin a national campaign and educational program to promote breastfeeding. Today, over 54 percent of the mothers in the United States are breastfeeding their newborns, with only 21 percent continuing to breastfeed their infants until the age of 6 months.

It has been said that the first few moments of our lives shapes the events in our days ahead. Within the first day of life, an infant needs nutritional support in order for growth and development. Breastmilk has been shown to be the most complete nutritional and digestible source of nutrition for infants. In addition, its immunologic properties protect the child from the onset of ear infections, diarrhea, and respiratory illnesses that often occur in the first months of life.

To increase the public awareness of the benefits of breastfeeding, UNICEF and the World Health Organization [WHO] announced their campaign beginning March 9 to promote breastfeeding while discouraging the distribution of low-cost infant formula. According to WHO's assistant director, Dr. Hu Ching-Li, "breastmilk contains growth factors critical to development of intelligence," as it contains nutrients not present in infant formula. On

March 4, 1992, the New York Times article focusing on the benefits of breastfeeding had some interesting conclusions. According to the Lancet Medical Journal of Britain, children who were born prematurely and breastfed scored higher on intelligence tests than those children who were born prematurely and given infant formula.

Presently, the Supplemental Food Assistance Program for Women, Infants and Children, [WIC] sponsored by the Department of Agriculture, distributes infant formula to the women currently receiving assistance. However, the Secretary of Agriculture is focusing on educating women involved in the WIC Program on the importance of breastfeeding their infants. While the WIC Program is reducing the distribution of infant formula, the supplemental food program for nursing mothers has been remodeled to focus on nutritional integrity. Fat, sugar, and salt content have been altered, as well as augmented quantities of juice, cheese, legumes, canned tuna and carrots to provide more nutritional breastmilk for infants.

Although increasing the service of the WIC Program seems to be an expensive venture, the focus on breastfeeding instead of the distribution of infant formula will not require an increase in Federal spending. As the number of women breastfeeding their infants increases, the number of women needing infant formula decreases, thus reducing the overall expenditures.

Breastfeeding is beneficial to both infants and mothers. It provides mothers with enhanced self-esteem, more rapid postpartum recovery, and the enhancement of the special bond between mothers and infants. At a time when there is a breakdown of the traditional American family unit, this early bonding would be significant progress toward strengthening parent-child relationships.

Mr. President, it is for all of these good reasons that the Surgeon General of the United States, Antonia Novello, has proclaimed increased breastfeeding practices as one of her goals to improve the health of America. This legislation will educate parents and increase public awareness of this nutritionally beneficial method of feeding infants. I ask my colleagues to join me in cosponsorship and the swift passage of this important legislation.●

ADDITIONAL COSPONSORS

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 448

At the request of Mr. SYMMS, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 729

At the request of Mr. BURDICK, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 729, a bill to assist small communities in construction of facilities for the protection of the environment and human health.

S. 1423

At the request of Mr. DODD, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1617

At the request of Mr. SYMMS, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1617, a bill to amend the Internal Revenue Code of 1986 to provide protection for taxpayers, and for other purposes.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 1850

At the request of Mr. BAUCUS, the names of the Senator from Washington [Mr. ADAMS], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Iowa [Mr. HARKIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 1850, a bill to extend the period during which the United States Trade Representative is required to identify trade liberalization priorities, and for other purposes.

S. 1947

At the request of Mr. GRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1947, a bill for the relief of Craig A. Klein.

S. 1970

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1970, a bill to expedite the naturalization of aliens who served with special guerilla units in Laos.

S. 2117

At the request of Mr. SASSER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2117, a bill to ensure proper service to the public by the Social Security Administration by providing for proper budgetary treatment of Social Security administrative expenses.

S. 2133

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2133, a bill to provide for the economic conversion and diversification of industries in the defense base of the United States that are adversely affected by significant reductions in spending for national defense.

S. 2183

At the request of Mr. SHELBY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2183, a bill to prohibit the Secretary of Veterans Affairs from carrying out the Rural Health Care Initiative.

S. 2266

At the request of Mr. DODD, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2266, a bill to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes.

S. 2341

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2341, a bill to provide for the assessment and reduction of lead-based paint hazards in housing

S. 2355

At the request of Mr. FORD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2355, a bill to permit adequately capitalized savings associations to branch interstate to the extent expressly authorized by State law, and for other purposes.

S. 2357

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2357, a bill to reduce and control the Federal deficit.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the names of the Senator from Tennessee [Mr. GORE] and the Senator from New Jersey [Mr. LAUTENBERG] were added as

cosponsors of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 272

At the request of Mr. LEAHY, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 272, a joint resolution to proclaim March 20, 1992, as "National Agriculture Day."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Colorado [Mr. WIRTH], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE RESOLUTION 184

At the request of Mr. DIXON, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 184, a resolution to recommend that medical health insurance plans provide coverage for periodic mammography screening services.

SENATE RESOLUTION 215

At the request of Mr. COATS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 215, a resolution to amend the Standing Rules of the Senate to require that any pay increase for Members be considered as freestanding legislation and held at the desk for at least 7 calendar days prior to consideration by the Senate.

SENATE RESOLUTION 260

At the request of Mr. KASTEN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Resolution 260, a resolution opposing the taxation of cash buildup in life insurance annuities.

SENATE RESOLUTION 273—RELATIVE TO RESPONDING TO COMMUNICATIONS FROM PETITIONERS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 273

Whereas, the First Amendment of the Constitution guarantees the "right of the people * * * to petition the Government for a redress of grievances," the Senate recognizes that responding to petitions for assistance is an appropriate exercise of the representative function of each Member;

Whereas, the Senate Code of Official Conduct should provide guidance for the performance of this constitutional function in a manner consistent with the public trust: Now therefore be it

Resolved, That the Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE XLIII

"REPRESENTATION BY MEMBERS

"1. In responding to petitions for assistance, a Member of the Senate, acting directly or through employees, has the right to assist petitioners before executive and independent government officials and agencies.

"2. At the request of a petitioner, a Member of the Senate, or a Senate employee, may communicate with an executive or independent government official or agency on any matter to—

"(a) request information or a status report:

"(b) urge prompt consideration;

"(c) arrange for interviews or appointments:

"(d) express judgments;

"(e) call for reconsideration of an administrative response which the Member believes is not reasonably supported by statutes, regulations or considerations of equity or public policy; or

"(f) perform any other service of a similar nature consistent with the provisions of this rule.

"3. The decision to provide assistance to petitioners may not be made on the basis of contributions or services, or promises of contributions or services, to the Member's political campaigns or to other organizations in which the Member has a political, personal, or financial interest.

"4. A Member shall make a reasonable effort to assure that representations made in the Member's name by any Senate employee are accurate and conform to the Member's instructions and to this rule.

"5. Nothing in this rule shall be construed to limit the authority of Members, and Senate employees, to perform legislative, including committee, responsibilities."

SECTION 2: Senate Rule XLIII shall be deemed to be part of the Senate Code of Official Conduct for purposes of Senate Resolution 110, 95th Congress, and all other resolutions pertaining to the jurisdiction of the Select Committee on Ethics.

Mr. MITCHELL. Mr. President, today I am submitting, on behalf of myself and the distinguished Republican leader, a resolution to amend the Standing Rules of the Senate. The purpose of our proposed rule XLIII is to provide guidance to Members of the Senate, and their employees, in discharging the representative function of Members with respect to communications from petitioners.

On April 16, 1991, on the recommendation of the Select Committee on Ethics, the Republican leader and I announced the formation of a bipartisan task force on constituent services. We charged the task force with developing written standards for representation services that could be considered and adopted by the full Senate. The task force was cochaired by Senators FORD and STEVENS and included Senators BUMPERS, SASSER, KASSEBAUM, and SMITH. They worked throughout the last session and reported to us late in the year.

Following its receipt, the report was reviewed by the Office of Senate Legal Counsel, the staffs of the majority leader's office and the Republican leader's office, and members and staff of the Ethics Committee. There followed extensive discussions among all of them covering a period of nearly 3 months. The resolution that we submit today is the product of those discussions. It incorporates recommendations from the task force and draws from standards described by the Ethics Committee in its recent report to the Senate. I commend each of the Senators involved for their fine work.

This proposed new rule seeks to enable Members of the Senate to fulfill their responsibility under the first amendment of the Constitution to serve as a means, as set forth in the preamble and in the first section of the rule, through which citizens may petition the Government for a redress of their grievances. Responding to inquiries of petitioners and assisting them before executive or independent Government officials is appropriate and expected.

Section 2 of the proposed new rule, which lists various actions that a Member may properly take in assisting a petitioner in dealings with Government officials or agencies, is drawn in substantial part from Advisory Opinion No. 1 of the House Committee on Standards of Official Conduct.

Section 3 of the proposed rule builds upon, and is intended to be fully consistent with the standard of conduct described by the Ethics Committee. Intervention by Senators in the administrative process on behalf of petitioners should not be made on the basis of contributions. Section 4 would promote the implementation of this standard of conduct by describing the responsibility of Senators to assure that their Senate employees conform to this rule.

Finally, the resolution would provide that the new rule is part of the Senate Code of Official Conduct, which means that it would be subject to enforcement by the Ethics Committee.

The rule that we are submitting does not make reference to the term "constituent"; instead, the term "petitioner" is used. Those who worked on drafting this rule did not wish to prohibit a Senator from assisting a petitioner who does not reside in that Senator's State. Use of the term "constituent" might be misconstrued to require adherence to strict geographical boundaries in determining whom a Senator might properly assist.

This resolution will be referred to the Rules Committee for that committee's consideration and recommendations prior to action by the full Senate this session. So that the committee will be able to report to the Senate as early as possible, I have been asked by the chairman of the committee to request that all persons who have comments on the proposed rule, submit those comments in writing to the committee within the next 30 days.

The Rules Committee may wish to consider whether some procedure to re-

port contacts between Members or Senate employees and executive or independent Government officials and agencies is advisable. The objective to be achieved may not be practical given the large number of ordinary communications between a Senator's office and agency officials and the constraints on resources that may reasonably be imposed by the Senate on a Senator and his office staff.

Alternatively, the committee might recommend that officials or agencies keep records of contacts by Members or Senate employees. It is my belief, however, that whatever is decided as appropriate for Members of the Senate on keeping records of communications with executive and independent officials or agencies should be applied equally to contacts with, and communications to those officials and agencies by other entities in the executive branch.

Again, I wish to thank Senators FORD, STEVENS, SANFORD, and RUDMAN, as well as the other members of the task force whom I previously mentioned, for their able and diligent assistance with this important issue.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Thursday, March 26, 1992, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on S. 2279, the Lobbying Disclosure Act of 1992.

SUBCOMMITTEE ON INNOVATION, TECHNOLOGY AND PRODUCTIVITY

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Subcommittee on Innovation, Technology and Productivity will hold a hearing on the reauthorization of the Small Business Innovation Development Act of 1982, the enabling legislation for the Small Business Innovation Research Program [SBIR]. The hearing will take place on Tuesday, March 31, 1992, at 9 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Chris Miller of Senator LEVIN's staff at 224–6221.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 19, at 2 p.m. to hold a hearing on U.S. assistance to the new independent states: recommendations from U.S. nonprofit organizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, March 19, at 9:30 a.m., for a hearing on the subject: Is OMB interfering with worker health and safety protection?

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 19, at 10 a.m. to hold a hearing entitled mass killings in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 19, at 3:30 p.m. to hold a hearing on the Horn of Africa: changing realities and U.S. response.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., March 19, 1992, to receive testimony on S. 684, a bill to amend the National Historic Preservation Act and the National Historic Preservation Act Amendments of 1980 to strengthen the preservation of our historic heritage and resources, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 19, 1992 at 2 p.m. to hold an open hearing on intelligence reorganization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, March 19, 1992, at 10 a.m. to conduct a roundtable hearing on the Residential Lead-Based Paint Hazard Reduction Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN RECOGNITION OF JOHN C. COLLOPY

• Mr. SEYMOUR. Mr. President, I rise today in recognition of John C. Collopy, a long-time friend and colleague, upon his retirement from Founders Title Group.

John was born in Kansas City, MO, and has been going nonstop ever since. John served in the U.S. Army Air Corps in World War II until 1945 when he was honorably discharged. He then began his outstanding career in the title industry.

After 25 years of service with various Southern California companies, John started Founders Title Co. Under John's direction, Founders Title has developed a position of extraordinary leadership in the industry. Founders Title started with 5 employees and now has over 120 offices in 5 States across the Nation that employ over 2,000. Founders Title is now the largest underwritten title company in the country.

John currently serves as director of Old Republic International Corporation, an insurance conglomerate located in Chicago, IL. He also is director and chairman of the board for such companies as Founders Title Group, Founders Title Co., California Land Title Co. of Santa Clara County, San Diego Printers, and Lincoln Title Co., just to name a few. He is currently a member of the American Land Title Association, the Olympic Club, the Commonwealth Club in San Francisco, and the Los Angeles Athletic Club. In short, John Collopy has been an essential player in the title industry.

Mr. President, I would ask the Members of the Senate to join me and John's many colleagues who will be gathering to commemorate John's many contributions to the title industry and to bid him good wishes for abundant good health and happiness as he begins his much deserved retirement from Founders Title Group.•

TRIBUTE TO COMMISSIONER MILDRED L. WATSON, CIRCUIT COURT OF JACKSON COUNTY, MO

• Mr. BOND. Mr. President, I rise today to pay tribute to a remarkable lady from Missouri, Mildred L. Watson. Commissioner Watson will retire this week, after 8 years of service to the Juvenile Division of the 16th Judicial Circuit Court of Missouri.

The Honorable Mildred L. Watson came to 16th Judicial Court in 1984. She brought with her knowledge, wisdom, sincere concern, and a distinguished record of achievement.

Mildred Watson served her county from 1943 to 1946, as a civilian mathematician for the U.S. Navy. After earning her master's degree in social work she practiced her craft at the University of Kansas Medical Center. From there she advanced to the position of associate professor of social work at the University of Kansas. While there she served as both instructor and consultant until she decided to become an attorney.

In 1975, Commissioner Watson entered the practice of law until 1984. She brought her many talents together to give a special insight and compassion to the juvenile court.

Mr. President, Mildred Watson will be sincerely missed by her colleagues, as well as all of those who have benefited from her exacting judgment and her warm friendliness. I commend Mildred on all of her noteworthy accomplishments and I wish her continued success in her future.•

THE 80TH ANNIVERSARY OF HADASSAH WOMEN'S GROUP

• Mr. D'AMATO. Mr. President, I rise today to honor and congratulate Hadassah on the occasion of its 80th anniversary. For 80 years, Hadassah has run medical and nursing schools, hospitals and clinics worldwide. Hadassah's service to society has been enviable.

Begun in 1912, by 12 members of the Daughters of Zion Study Circle, the organization has grown to encompass 36 regional groups and 1,500 State groups. Through Jewish education, leadership development, career guidance, and Young Judaea clubs and camps, Hadassah has established itself at the forefront of Jewish organizations.

Hadassah is responsible for administering its world renowned hospitals such as Hadassah Medical School and Hospital on Mount Scopus in Jerusalem, Israel's first undergraduate medical school. The Hadassah Hebrew University Hospital at Ein Karem, is Israel's preeminent bone marrow and heart transplant center.

Israel has also participated in the reclamation of thousands upon thousands of acres of arable farmland in Israel through dam construction and the planting of millions of trees. Hadassah has truly made a desert bloom.

Over the span of 80 years Hadassah has worked for the betterment of mankind and achieved wonders in education, medicine and in the environment. I wish to take this opportunity to congratulate Hadassah on its 80th anniversary.•

PUBLIC SCHOOLS MONTH

• Mr. SEYMOUR. Mr. President, I rise today in recognition of the Masons of the State of California, as they designate April 1992 Public Schools Month.

The theme for this year is Public Education Today is America's Blue Print for Tomorrow. Mr. President, I believe this theme is both timely and appropriate as we as a Nation now face some of the toughest challenges in our history, and our public schools play a vital role in making sure that we as a Nation can meet these challenges.

Each year, the Masons of California dedicate 1 month in which they actively express their support for our public schools. California's Masons have faithfully observed this annual event since 1919. The Masonic family, with all of its appendant organizations, has a 73-year record of staunch support of one of our Nation's most important institutions, our public schools.

I commend the Masons of California, and I ask my colleagues to join me in extending the congratulations of the U.S. Senate for their dedication to our public schools.•

MASSACHUSETTS OLYMPIANS

• Mr. KERRY. Mr. President, all of us dream of that one moment when we can be the best we can be at what we love most. To arrive at that special moment one must devote years of determination, discipline, and dedication. In the 1992 Winter Games, 24 outstanding athletes from Massachusetts seized that moment and achieved greatness.

Today I want to acknowledge them and their achievements. First, I want to commend our Massachusetts medal winners: figure skaters Nancy Kerrigan of Stoneham and Paul Wylie of Somerville and exhibition skier Sharon Petzold of Andover. Each provided thrilling moments to viewers around the world, bringing medals home not only to America, but specifically to Massachusetts.

Olympic athletes have special merit, measured not only by their medals, but also by the tremendous spirit that drives them in the quest for excellence. It is for that spirit that I applaud our other Massachusetts Olympic competitors.

Ice hockey team members Ray LeBlanc of Fitchburg, Ted Donato of Dedham, Steven Heinze of North Andover, Weymouth's Tim Sweeney, Scott Gordon from Easton, Shawn McEachern of Waltham, Hingham's Marty McInnis, C.J. Young from Waban, Keith Tkachuk of Medford, Clinton's Scott Young and Joe Sacco of Medford surpassed even their own expectations.

Tim Wiley of Lexington conquered the luge run with spirit and determination.

Krista Schmidinger of Lee, and Heidi Volker of Pittsfield skied the glorious mountains of Albertville with amazing grace and vigor.

Figure skater Todd Eldredge of Chatham and ice dancers Rachel Mayer of Wellesley and Peter Breen of Brockton lit up the ice with their special charm.

And the speedskating of Eric Flaim of Pembroke and Waltham's Chris Shelley was something to behold.

I salute all of our Massachusetts Olympic competitors who upheld the Bay State motto, "The spirit of Massachusetts is the spirit of America." These athletes let that spirit shine through when they performed in Albertville. Their achievements will lend the youth of Massachusetts and the Nation a renewed sense of pride and inspiration. Today, I am proud to honor them for their indomitable spirit and embodiment of excellence.•

KNIGHTS OF COLUMBUS STATE DEPUTY

• Mr. D'AMATO. Mr. President, the success of any great program or idea is dependent upon those who are responsible for carrying them out. Leadership and innovation are admirable qualities in any individual, but those who use their personal advantages to help others deserve to be specially commended. The New York State Council Knights of Columbus are extremely fortunate to have such an able-bodied leader in Raymond P. Pfeifer.

Being such a widespread organization, the Knights of Columbus' leaders have a tremendous duty to fulfill. In the State of New York that duty is even greater than one imagines with 475 councils in existence. Mr. Pfeifer has fulfilled his obligations in an outstanding manner. Helping the poor and underprivileged is perhaps the most important task in our society today, but considering the magnitude of the situation, performing this task adequately is almost impossible. Mr. Pfeifer, on the other hand, has assisted tremendously through his chairmanship of the charitable and benevolent program and the humane action program. Mr. Pfeifer and his fellow members serve as a voice for those who often have none.

The family is perhaps the core of our Nation. Therefore, it is of paramount importance that family and community ties are continually developed and made stronger. Mr. Pfeifer contributed his services in this arena also through his chairmanship of the family life program. This program teaches parents and their children the importance of family activities and togetherness.

In today's society, it is often hard to hold on to our moral values, let alone instill them in our children. Programs like the decent media program and the church activities program make this task a little easier. The decent media program promotes more suitable media that communicates sound moral ideals. In addition, the church activities program promotes stronger relationships between the church and the people of the community which joins them together and benefits them both.

Starting a new and better life can be extremely difficult. Through the crimi-

nal justice program, Mr. Pfeifer and his fellow Knights of Columbus members make the transition from prison to society a little easier. They provide job shops, counseling, and spiritual guidance for inmates who will soon be released and are ready for change.

It is my honor to commend Raymond P. Pfeifer. Through his continued success with the Knights of Columbus, Mr. Pfeifer makes the State of New York an even better place to live. I thank him for his efforts and hope to see even more of him in the future.•

ANTI-SEMITISM IN THE UKRAINE

• Mr. SIMON. Mr. President, over the course of the past few weeks, I have been commenting on the rising tide of anti-Semitism in the states of the former Soviet Union and Eastern Europe. Today, however, I would like to take the opportunity to call to your attention the tremendous strides taken by a former Soviet state toward combating the problems of anti-Jewish sentiment.

The Ukraine, which throughout its history has proven a fertile ground for anti-Semitism and the accompanying violence and terror, is now beginning the long, slow process of extracting the roots of ethnic hate and division. Efforts toward assuring the rights of minorities within its borders gives me reason to be cautiously optimistic about the hope for democracy and equality in this nation.

Let me begin though with a brief historical overview of the intensity of anti-Semitic feeling in Ukraine and the heinous actions that have been born from that animosity. Throughout their history in the area, Jews have been the target of scapegoating for economic, political and ethnic problems facing Ukrainians. In the mid-17th century, amidst rising tension and exploding anti-Semitism, more than 100,000 Jews were killed and their communities destroyed. The final quarter of the 19th century and the early years of the 20th century saw the emergence of pogroms throughout Ukraine in response to the Russian Government's declaration of a Jewish problem.

During World War I, when viewed as spies for the Germans, and through the civil war, when victimized by the emerging Socialist regime, nearly 100,000 Jews died in Ukraine. The final atrocity came on September 29–30, 1941, when some 33,000 Jews were machinegunned in a ravine on the outskirts of Kiev, at Babi Yar, by a special SS unit of the Nazi Army. Although the details are not entirely clear in this area, many have implicated Ukrainian involvement in the mass murder. And until recently, Soviet and Ukrainian officials would not comment upon or even acknowledge the massacre.

Recently though, the Ukrainian people have taken great steps toward a reconciliation with these past events and are beginning to make a concerted effort to ensure the rights of minority groups. This past October, both Ukrainian President Leonid Kravchuk and Soviet President Mikhail Gorbachev spoke at a gathering to commemorate the 50th anniversary of the Babi Yar massacre. In the words of President Kravchuk:

> I proclaim to the whole world that the ideological thought of the former regime in Ukraine is today unacceptable. It scorned human rights and the rights of nations * * * (Babi Yar) was genocide, and the blame for it lies not only on the fascists, but on those who did not stop the assassins in time. Part of the blame we take upon ourselves. Today's sad ceremony is at the same time a proper opportunity to ask the forgiveness of the Jewish people for the great number of injustices in our history.

More important than their words, however, was the message implicit in their recognition of the history of anti-Semitism in Ukraine and the necessity of dispelling that legacy of hatred. What happened at Babi Yar is just one example of this expanding consciousness of past and continuing anti-Semitism. President Kravchuk has also stated his support for calls to repeal the United Nations resolution denouncing Zionism. And, perhaps most importantly, in the December 1991 presidential elections, the former Communist leader turned democrat, Kravchuk, adopted most of the platform of the democratic movement, Rukh, including many key planks.

Rukh, also known as the Ukrainian Popular Movement, was officially formed in September 1989 and has served as a major force for democratization in the region. Rukh's platform, which closely resembles those of the Baltic States with regards to independence and human rights, is nevertheless ideally suited for Ukraine's multiethnic population: of the 52,000,000 people in Ukraine, approximately 75 percent are Ukrainian, 20 percent are Russian, 1–2 percent Jewish, and 1 percent Polish. According to the Rukh charter and program, one of the main goals of this democratic movement is to ensure the national-cultural autonomy of those and other ethnic minorities residing in the Ukrainian Republic.

One of the most telling signs in Ukraine's efforts to stamp out anti-Semitism is the lack of Pamyat-like organizations within its borders. Groups like Pamyat and the Union of Writers of the Russian Republic are particularly strong anti-Semitic forces in other states of the former Soviet Union but have been all but absent in Ukraine.

In addition, according to some observers, the nationalistic feelings that run strong in Ukraine are substantively different from the nationalism in other countries that threaten minority populations. In Ukraine, the idea of democratic nationalism, that is nationalism that promotes the inclusion of minorities rather than their exclusion, is what motivates the reform movement.

All of this, along with the continued push for democratization by Rukh, has helped to spur a Jewish revival in Ukraine. While many Jews are eager to take advantage of relaxed Ukrainian emigration laws, others are choosing to remain and breathe new life into Jewish communities across the nation. Recognizing that this is a golden opportunity, one which Jews throughout Eastern Europe and the former Soviet Union have been waiting decades for, outgrowths of Jewish culture are appearing across Ukraine. In Kiev alone, two Jewish newspapers, a Jewish library, a Jewish theater, a Jewish choir, an Israeli video library, and a Jewish elementary school have all developed over the course of the past 4 years. In addition, the restoration of synagogues, the development of Jewish and Hebrew cultural centers as well as the creation of other institutions to promote Jewish culture have become integral parts of the revival of Jewish communities in Ukraine.

Nevertheless, we must be cautious in our assessment of Ukrainian attitudes toward the Jewish minority. Questions have been raised about the sincerity of President Kravchuk's commitment to the democratic reforms he adopted so quickly after years of loyalty to communism. Many claim that his is a thinly veiled attempt to court economic and political support from Israel at a time of great struggles for Ukraine. Others view Kravchuk as a purely transitional figure attempting to bridge the gap between old Communist connections and new democratic ideas. Furthermore, the ever-present specter of Russian nationalism stands in the way of Rukh's vision of democratic nationalism and threatens to explode in Ukraine along ethnic divisions. There are still many outstanding cases of Jewish refuseniks, which even the newly organized democratic government is restricting from emigrating. And, as always, there is the problem of economic instability; as times grow more and more difficult, the possibility of scapegoating becomes much more serious.

As events of the past several weeks have illustrated, these newly independent nations are still in a state of flux. Changes and reforms can, in a matter of days, be reversed. It is a time where extreme care must be exercised. We must continue to encourage the reform movements in Ukraine that promote the rights of minorities and we must stand on guard against any such revisions. Still, I am guardedly optimistic about Ukraine's efforts to combat anti-Semitism. It is my sincere hope that President Kravchuk and the members of Rukh continue their defense of the

rights of minorities and thus ensure that true democracy will prevail in Ukraine.

One final point I would like to make, which I feel is salient to my ongoing discussion of anti-Semitism. Even as we eye anti-Semitism abroad, we cannot ignore the problem at home. In an interview with the Rabbi of Kiev, Rabbi Bleich, Robert Cullen, a reporter for the New Yorker, learned of the relatively small number of anti-Semitic actions in Kiev and Ukraine. He wrote the following:

When I pressed him [Rabbi Bleich], the rabbi said he had heard of instances of vandalism in Jewish graveyards. He also knew cases where Jewish children had been taunted in school. But he had heard of such things in the United States as well he noted.

Anti-Semitism is not just a problem for Russia or Ukraine or Eastern Europe for that matter; it is a problem for all of us. We must take the responsibility of combating it, whether it be abroad or at home, if we are to remain sincere in our convictions for freedom and justice.●

TRIBUTE TO KENTUCKY STATE SENATOR ART SCHMIDT

● Mr. MCCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky State legislator, and a distinguished member of the Republican Party. State senator Art Schmidt of Campbell County is one of Kentucky's longest tenured legislators. Mr. Schmidt recently announced that he is going to retire from State government rather than run for reelection this year. His presence in Kentucky politics will certainly be missed by both his colleagues and his constituents.

Mr. Schmidt began his political career when he was elected to the Cold Spring City Council in 1962. He went on to serve 18 years in the Kentucky House of Representatives, and in 1983 was elected to the Kentucky Senate. During his tenure as a State legislator, Art Schmidt served on numerous committees and played a vital role in shaping legislation of great importance to the Commonwealth.

Much of Art Schmidt's work in the State legislature reflected his commitment to the people he represented in northern Kentucky, as well as his dedication to the citizens of the Commonwealth. Mr. Schmidt was a major player in establishing northern Kentucky University. He established centralized voter registration and the State board of elections. Mr. Schmidt served on the Commerce, Energy and Tourism Committee and was instrumental in establishing the first multicounty Tourism and Convention Bureau. Mr. Schmidt also established a pilot program for elementary school guidance counselors throughout Kentucky.

In addition to pursuing issues and legislation he believed in, Art Schmidt never hesitated to question ideas which he doubted. As a minority member of the general assembly, he often took the dissenting opinion. He frequently chastised other members of the legislature for merely voting the party line without considering reasonable objections raised by their counterparts in the minority party.

Mr. Schmidt is also actively involved in his community, a role that will no doubt continue after he leaves his post as a State lawmaker. He currently serves on the boards of the Northern Kentucky Area Development District and the Provident Bank of Kentucky, and is a past president of the Kentucky Electoral College.

I congratulate Art Schmidt on his many years of service to Kentucky, and I wish he and his family much future success.

Mr. President, please insert my comments, as well as an article from the Kentucky Post into the RECORD.

The article follows:

[From the Kentucky Post, Mar. 3, 1992]

SENATOR SERVED WELL

Sen. Art Schmidt, one of Kentucky's longest-tenured legislators, has announced he is going to bring his smile and his wit home from the legislative wars and enjoy his family. He chose to withdraw from the 1992 election wars after he found himself sharing with another Republican senator a district that is dominated by voters who have not been his constituents.

His loss will be felt from the Cumberland Gap to the Suspension Bridge, from Black Mountain to Murphy's Pond.

To know Art Schmidt is to admire the fundamental strengths of our two-party system.

In his not-so-frivolous way, the distinguished senator from Campbell County pulls from his treasure chest of memories an old war story to ease the tension. When he rises from his chair in the chamber to castigate his Democratic brethren, his wit is as sharp as his smile is wide. His is the politics of ideas, not of rancor.

His is the voice that kept asking the probing questions that seem to have no answers.

All through the agony of restructuring the state's public school system, Sen. Schmidt kept asking if we don't have too many school systems.

He questioned the budget. He questioned the reform legislation. He railed about the unreasonableness of Kentucky's tax system. He was never afraid to call the governor to task on the General Assembly floor. He chastised the partisans who adopted legislation down the party line without considering the objections raised by reasonable members of the minority party.

To know Art Schmidt is to admire his piercing analysis.

He perfected the role of minority member of the General Assembly. He was thoughtfully prepared, always ready for debate, always at the scene of the action. He never gave up, found ways to accomplish many of his goals, was reasoned and reasonable.

With his smile and his wit, he allowed the majority no room to hide.

He wasn't an antagonist who sowed discord. He was a Republican who demanded his rightful say in the discussion of the issues. In the one-party monopoly Democrats have held over the Commonwealth for two decades, he stood tall and cast a long shadow.

The party of Lincoln is losing one of its sagest members; the people of the Commonwealth are losing one of their most skilled debaters.

It doesn't have to be that way. Kentucky—and especially Northern Kentucky—needs his questioning voice, his experience-worn reason, his ability to be partisan without being ugly. Northern Kentucky—and the Republican Party—stands taller with Art Schmidt in the state Senate.

While another race would certainly require work, he already enjoys the admiration of many of those voters.

For to know Art Schmidt is to admire him.

In the belief that the highest compliment that can be offered an elected official is the term "public servant," we recognize Sen. Schmidt as one who earns the honor day after day.●

SYRIAN JEWS

● Mr. GRAHAM. Mr. President, I rise today to call your attention to the continuing efforts on behalf of Syrian Jews. On March 14, 1992, Jewish communities throughout the United States observed a Sabbath of Remembrance for Syrian Jews, highlighting the memory of four young Syrian Jewish women who were murdered 17 years ago while trying to escape Syria. I urge my colleagues to join me in supporting this important event.

The Sabbath before the Jewish holiday Purim is traditionally marked as Shabbat Zachor, Sabbath of Remembrance, a time to join together to remember the genocidal threat to the Jewish people. In recent years, this Sabbath has been dedicated to the memory of four young Jewish women from Damascus who were brutally murdered in March 1974 while trying to escape from Syria. The mutilated bodies of Laura Sebbagh, Mazal Sebbagh, Farah Sebbagh, and Eva Saad were dumped in sacks outside their families' homes in Damascus.

This heinous crime has gone unpunished to this day. It is inconceivable that in a civilized age, reunification with loved ones can be judged a criminal act. We must not forget the lessons of persecution of the last 50 years. The tragic Holocaust period has taught us that men and women of good conscience cannot be silent.

During this period of March 14, we join on the Sabbath of Remembrance to remember the truly painful situation for remaining Jews in Syria. Syrian Jews today are still not permitted the basic freedoms of emigration and movement. Jews cannot leave without posting large, monetary deposits and leaving close relatives behind to assure their return.

In one case, two Jewish brothers, Eli and Selim Swed, have been held without charge since November 1987. They were recently tried on camera and sentenced to 6½ years imprisonment. Few other details on the trial proceedings or verdicts are know, other than earlier reports that the two were charged

with espionage and then accused of visiting relatives abroad, whom they had not seen in 30 years. After their sentencing, in an act of desperation, the two brothers conducted a hunger strike in prison, but they remain imprisoned. Last month, their sentence was confirmed. We must forcefully call upon Syrian President Hafez el-Assad to free the Swed brothers.

It is time to place the issue of Syrian Jews much higher on the American human rights agenda. At this historic time, when the United States has entered into dialog with President Assad of Syria about peace in the Middle East, I urge President Bush and Secretary Baker to undertake vigorous American intervention on behalf of Syrian Jews. In this effort, we join thousands of our constituents together with Jewish and non-Jewish communities across the United States and in cooperation with the National Task Force of Syrian Jews, and National Jewish Community Relations Advisory Council, and the Council of the Rescue of Syrian Jews.

For many years, I have viewed with dismay Syria's refusal to grant Jews their freedom. Last year, the Senate passed my legislation condemning the Syrian Government for continuing to abuse the human rights of Syrian Jews. On March 10, 1992, I joined several of my colleagues in writing to President Assad to urge him to improve his government's policy toward Syrian Jewry.

Despite our efforts, the struggle is far from over. At this time of special challenge and opportunity in the Middle East, it is critical that we continue to work for those in desperate need of our attention and support. I appreciate this opportunity to let Syrian Jews know that they have not been forgotten.●

DESALINATION

● Mr. SIMON. Mr. President, for the past several weeks I have been making statements and entering articles into the RECORD focusing on the merits of desalination technology for our domestic needs. This week I wish to look abroad and see how wider application of this technology could ultimately save more dollars than those spent on R&D of this technology; I am referring to providing the tools to help prevent conflict in Middle East. The seeds of conflict are clearly being sown over control of diminishing water supplies.

An article appeared a few months ago in the Wall Street Journal entitled "Water Often Is a Divisive Issue in the Fractious Middle East" that outlined some of the current water problems facing the Middle East. Syria, for instance, is in the midst of experiencing a 5-year drought that has created a water crisis in Damascus. While authorities have reportedly cut the city's water consumption by 40 percent, shortages continue. Water either flowing into or available to that area has been limited for many reasons. Unless these water shortages are addressed, it is unclear what actions Syria will take to remedy the situation. As one Syrian water official is quoted in the article, "If it were left to the technical people * * * we could reach an agreement to guarantee everyone's needs in three months." Unfortunately, it is not the technical people making the decisions.

I firmly believe making affordable desalination technology available to water-hungry countries can play a key factor in reducing tensions in the Middle East. I urge my colleagues to support my bill, S. 481, the Water Research Act, when it comes to the floor so that we can take steps quickly to address this looming area of potential conflict.

The article follows:

[From the Wall Street Journal, Nov. 30, 1991]

WATER OFTEN IS A DIVISIVE ISSUE IN THE FRACTIOUS MIDDLE EAST

(By Peter Waldman)

DAMASCUS, SYRIA.—The Arab-Israeli conflict is a blood feud. It is also a feud over water.

In an arid region of rapid population growth, water is as hotly contested as oil. For now, Syria says it won't participate in multilateral talks with Israel on water and other regional issues until progress is made on a peace agreement. But eventually, water rights will have to be part of any settlement to the Mideast conflict.

Nowhere is this fact more clear than on the putrid banks of the Barada River in central Damascus. Here, garbage, mud and a trickle of water lie where a brisk stream once flowed from its source in the Anti-Lebanon 20 miles west. A five-year drought, and the explosion of the city's population to three million, have sucked the Barada nearly dry, creating a water crisis in the Syrian capital.

"This isn't a river now," says an official with the Syrian irrigation ministry. "It's a catastrophe."

To cope, authorities have cut the city's water consumption by 40%, spreading the pain by choking off supplies to various neighborhoods on a revolving basis. To relieve the capital's thirst, the only options are a lot more rain, a lot fewer people, or the return of the Golan Heights.

Just 30 miles southwest of Damascus, the Israeli-occupied Golan is the richest watershed in the area. Its high, steep slopes funnel underground springs into a roaring river that emerges from a rock wall at the Banyas, site of an ancient Greek temple. From there, the Dan River carries the water southward into the Jordan River, which flows into Israel's national irrigation system. In all, the Golan yields 25% of Israel's water supply.

In the mid-1960s, when Syria still held the Golan, it tried to build a canal to channel Banyas water back to Syria. The Israelis bombed the project, in a precursor to the 1967 war. More recently, Israeli pressure on the World Bank helped stop construction of a Syrian-Jordanian dam on the Yarmouk River, which also feeds into the Jordan.

"The cost of all their wars would have bought them more than enough desalinization equipment by now," gripes one Syrian official. "They're wealthier than we are. Instead of building tanks, they should use their international support to build desalinization plants."

The Golan is only part of Syria's water problem. The mighty Euphrates River cuts a wide swath through the eastern part of the country, providing about 60% of Syria's water supply. But in that river's huge al Furat Dam, built in the early 1960s by the Soviet Union, the hydroelectric turbines were installed so high on the structure that Syria has to maintain a large reservoir behind it to keep the blades turning.

The wide, shallow storage area evaporates at a high rate in the desert sun. But more troublesome, Turkey, up-river from Syria, has been building reservoirs of its own, cutting the Euphrates' flow into Syria by about 50% over the past five years. Now, on average, only three of al Furat's eight turbines spin. The result has been widespread brownouts in Syria, and painful limitations on other uses of the bountiful Euphrates above the al Furat Dam.

All of this is inextricably linked to politics, of course. Turkish President Turgut Ozal wanted to hold a Mideast water summit in November, but had to cancel it because Syria insisted Israel couldn't attend. Turks complain that Syria sponsors Kurdish terrorism inside Turkey to maintain leverage in water talks. Syrians say Turkey is using water as a weapon to expand its influence in the Mideast.

"If it were left to the technical people," says one Syrian water official, "we could reach an agreement to guarantee everyone's needs in three months."●

COLONEL GABRESKI AIRPORT

● Mr. D'AMATO. Mr. President, I rise today to honor the accomplishments of our Nation's top living air ace legend: Col. Francis S. Gabreski. The role that aviation plays in our history is perhaps not fully recognized and acknowledged. The Early Fliers Club of Long Island is doing a great amount to change these unfortunate circumstances. First and foremost is the renaming of the Suffolk County Airport.

It is the honor and duty of our Nation to honor and commend those individuals who have courageously served in our distinguished military. Colonel Gabreski is one such individual. His military record alone shows him to be a heroic, dedicated serviceman. Not only did he succeed in destroying 31 German aircraft in World War II, but also went on even further by destroying 6½ enemy aircraft in Korea. Our Nation was fortunate enough to have his services once again from 1964 to 1967 when he commanded the Air Force base we now name after him.

It is my hope that all those who served in World War II and in Korea will view the Col. Francis S. Gabreski Airport as not only an honor and a tribute to Colonel Gabreski, but a tribute to all of them. So many men and women served their country in these wars that it is hard to acknowledge each and every one of them. Instead, we do our best to commend those that made a particularly outstanding contribution, such as Colonel Gabreski. Perhaps with the completion of the museum for Aviation History in Suffolk County we, the people of New

York, can do better in honoring all those who bravely served.

Colonel Gabreski is a highly skilled and ready patriot; I congratulate him on his dedicated service and achievements. Colonel Gabreski, thank you for your service and devotion. I wish you even further success in the future.●

BOMBING OF ISRAELI EMBASSY IN BUENOS AIRES

● Mr. RIEGLE. Mr. President, I rise to condemn in the strongest possible terms the bombing of the Israeli Embassy in Buenos Aires, Argentina. This barbaric act of terrorism has thus far taken the lives of at least 11 Israelis and 10 Argentines, with more dead likely buried in the rubble. An additional 240 people were wounded in the attack.

Yesterday, Islamic Jihad, the radical, pro-Iranian terrorist organization took responsibility for the bombing. In its statement to the press, the group stated that it "will not finish until Israel is wiped out of existence." As we all too well remember, Islamic Jihad killed hundreds of Americans in attacks on the Marine barracks and American embassy in Beirut 9 years ago. Their apparent savagery against Israel only continues that pattern of terrorism. I only hope that the continued perpetration of violence by extremists does not sabotage the next round of Middle East peace negotiations.

I would also like to take this opportunity to express my heartfelt condolences to the families and friends of those who lost their lives in the attack. No people are more aware of the value of life than are the Jewish people, who have survived the most vicious of genocidal slaughters—the Holocaust. And, no nation understands more clearly the danger and savagery of terrorism than Israel, which has endured year after year of highjackings, suicide bombings, and, most recently, Scud missiles. I call upon the government of the world to locate and to bring to justice those who perpetrated the barbaric attack on the Israeli Embassy in Argentina and to work to end terrorism once and for all.●

CONGRATULATIONS TO THE BOLLINGER FOUNDATION

● Mr. SEYMOUR. Mr. President, I stand today in recognition of the Bollinger Foundation whose charitable work has made life a great deal less painful for families that have experienced tragedy in the loss of a parent survived by young children.

The Bollinger Foundation is a unique organization created to provide financial assistance to families who have suffered the loss of a parent of young children. First priority is reserved for those families in which either the mother or father worked in the field of housing, community, or economic development. This 501(c)(3) nonprofit foundation is named for Steve Bollinger who served as Assistant Secretary for Community Planning and Development at the U.S. Department of Housing and Urban Development from 1981 to 1984.

The foundation has helped many families in great need. One such example is a family in my State of California. In 1990, an outstanding and compassionate individual was killed by a drunk driver. This single mother of four was a tireless advocate for the homeless and very instrumental in giving hope to many who needed compassionate encouragement. Her commitment to the community was generous and sincere and her influence is still felt.

The city of Alameda wrote to the Bollinger Foundation to nominate her family to be one of the 1991 recipients of a grant that the foundation offers each year. The nomination was accepted and her children, now living with family members, were given the financial assistance they needed to help cope with the loss of their mother. I was very fortunate to accept the check on behalf of the city for presentation to the family. That was how I first became familiar with the Bollinger Foundation.

While I did not know Steve, I am told that he was truly a great civil servant and a fun-loving individual who made life a great deal more fun for those around him. Many of my colleagues in this body worked with Steve as he was the point person during the Reagan administration for the UDAG Program and for the new federalism initiative at HUD which gave the States the CDBG Program for small cities. His death in 1984 struck hard the community who worked around HUD programs. This same community rallied to assist his widow Lin Bollinger in the months and years after his untimely death. In fact, President Reagan met with Lin Bollinger and her children shortly after his death to express his deepest sympathy to the family.

The U.S. Department of Housing and Urban Development honored Steve by laying a plaque in the courtyard behind the HUD Building as well as naming an award after Steve honoring an outstanding career civil servant in the Office of Community Planning and Development. Projects in a number of cities are named or dedicated to Steve Bollinger including projects in Johnstown, PA; Milwaukee, WI; Bollinger Towers in Columbus, OH, which is a senior citizen housing project, and a Seminole Indian project in Florida. Also the Public Housing Authority Director's Association recognizes Steve by providing a college-bound public housing resident with a scholarship in Steve's name. He truly was a great civil servant.

One of the foundation's major fundraising events is an annual golf tournament. Steve Bollinger began the tournament in 1982, as a way for HUD staff, business associates, friends, and families to get together for a fun day of companionship and golf. In 1984, a month after the third annual golf outing, Steve unexpectedly died of a heart attack. After Steve's death his friends and associates continued the tournament, but now it had a very special goal: To raise money for the education of Steve's four children. In the first 4 years after his death the tournament raised over $15,000.

Fortunately, in 1989, Steve's family won a worker's compensation claim from the Labor Department, and Lin Bollinger, Steve's widow, was able to donate the money back to the foundation. This donation launched the Bollinger Foundation with a new purpose: That of aiding families who have suffered a loss similar to that of Steve's family. The foundation has assisted some very deserving families since its creation. Some examples of recipients include:

The surviving family of a working mother who was a secretary at the U.S. Department of Housing and Urban Development who died suddenly of a cerebral aneurysm leaving behind two children.

The surviving family of a city rehabilitation specialist in the Midwest who assisted homemakers with the technical aspects for city-assisted home rehabilitation projects. His stroke in 1987, and subsequent death in 1988, left a large burden on his surviving spouse in raising their five children.

The surviving family of a mother who served as an attorney in the Legal Division of HUD until her untimely death.

The surviving family of a woman who worked for the National Council for Urban Economic Development conducting research on the Community Reinvestment Act whose husband died in a car accident.

The surviving family of a good friend of Steve's, Luthur Roberts, who was the executive director of the National Community Development Association. Luthur also died at a tragically young age leaving behind two children.

The recipients have all responded to the generosity of the Bollinger Foundation with much gratitude. One recipient used the funds to provide counseling for their children to help with the change and readjustment of the loss of their father. She wrote, "The overall quality of our lives has been greatly enhanced, thanks to your generous support. The ramifications of these benefits will be felt for years to come." Another recipient whose husband died in a car accident wrote, "I hope you know how grateful I am for your support. Your contribution is a Godsend and I hope someday to be able to return the blessing to someone else."

People from all over the country support the Bollinger Foundation golf tournament. These supporters include mortgage bankers, developers, HUD officials, housing trade representatives, appraisers, and many other friends. I am happy to say that many of my fellow colleagues have served as honorary cochairs at the golf tournament.

For instance, Congressman MIKE OXLEY from Ohio knew and worked with Steve Bollinger during Steve's tenure as Assistant Secretary at HUD. Congressman TOM RIDGE of Pennsylvania twice has also participated in the tournament. And the late Congressman Stuart McKinney, who we all respected, was a cochair of the tournament and fundraising efforts in 1987, but died just before the tournament. Other Members that have been involved have included Congressman CRAIG WASHINGTON, Congressman JOHN MURTHA, and Congressman CRAIG SMITH. I am now glad to add my name to my distinguished colleagues who have supported this very important charity.

Other dignitaries who have served as cochairs of the Bollinger tournament have included: Don Hovde, past president of the National Association of Realtors, former Under Secretary at HUD and former member of the Federal Home Loan Bank Board; John Knapp, former general counsel and acting Under Secretary at HUD; Larry Simons, former FHA Commissioner and Assistant Secretary for Housing at HUD; Kevin Grevey, former National Basketball Association star who played with the Washington Bullets and Milwaukee Bucks; Tim Coyle, former Assistant Secretary for Legislation and Congressional Affairs at HUD and currently director of housing and community development in the State of California; and Glenn Kummer, past president of the Manufactured Housing Institute.

The foundation's board includes representatives from many of Washington's leading organizations involved in the field of housing, community, or economic development. Among these organizations are: the International Downtown Association, the Manufactured Housing Institute, the National Council for Urban Economic Development, the Appraisal Institute, the National Association of Realtors, and the Mortgage Bankers Association.

I am also pleased to say that many other organizations taking leadership in the issues of our economic well-being in this country are involved in the support of the Bollinger Foundation such as: The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Mortgage Insurance Companies of America. They would not be entirely successful without the support of such caring organizations such as: Rahn Management, Barrett & Schuler, Andrews & Bartlett, Coldwell Banker Real Estate Group, Powell Goldstein Frazer & Murphy, and the Wyndham Hotels.

I ask the Senate to join me in extending our appreciation to the Bollinger Foundation for their charitable work and our best wishes for their success in the future.●

JAPAN'S ANNOUNCEMENT ON REDUCED AUTO EXPORTS TO THE UNITED STATES

● Mr. RIEGLE. Mr. President, today's papers report that Japan intends to reduce the number of vehicles exported to the United States under its self-imposed voluntary export restraint [VER] from 2.3 to 1.6 million. This is a hollow gesture from Japan. They must fully open the Japanese market to United States products and end their below-cost dumping practices in America. Japan took $43 billion from the United States last year, much of it by trade cheating. My legislation, S. 2145, will put a stop to this.

This announcement is deceiving and, it is insulting to the American public—especially the 75,000 GM workers who have just learned that they will lose their jobs or are threatened with unemployment when more plant closings are announced.

This number is misleading because, while Japan pledged to export 2.3 million units under the current VER regime, it actually exported 1.7 million cars to the United States in 1991. The new figure is not much of a reduction from the number of cars Japanese manufacturers are currently bringing into our country.

Japan's bold announcement to tighten its export limits to the United States involves a reduction from 1.7 million to 1.65 million cars. This 50,000 unit reduction is equal to the number of cars that Japan sells in the United States in 5 days.

The VER limits do not cover vans and trucks, which were coming into the United States at excessive levels prior to the dumping case that was filed by the United States auto industry in May 1991. However, it is interesting to note that without a VER on vans, shipments of these vehicles to the United States in 1991 were down 72 percent from 1990 levels—a politically motivated rather than an economic decision. As we have witnessed in other United States sectors, like semiconductors, VCR's and televisions, dumping products in the United States market is a common technique that Japan uses to manipulate our markets and gain market share at the expense of our workers and sometimes entire United States industries.

The American public and our auto and auto parts workers deserve to know the whole truth about Japan's gesture in reducing the VER limit. Accordingly, they should be aware of the fact that what Japan appears to be sacrificing in terms of exports to the United States, it has already begun to make up in terms of expanded transplant production in the United States. This production more often than not involves more Japanese auto parts than American ones, and consequently less American jobs than might otherwise be the case.

The fact that Japanese auto exports to the United States will be reduced will not contribute to an overall reduction in the United States-Japan $43 billion trade deficit, of which two thirds or $28.2 billion is in autos and automotive parts. In addition, as has been announced by several Japanese car companies in the last week, they plan to increase their prices in the United States market. Last week, The Wall Street Journal reported that "Mazda set the base price of its new RX-7 sports car at $31,300, 11.2 percent higher than the final price of its predecessor."

Given that Japan is not being restrained in any manner from sales of cars in the United States market, the intention of Japanese manufacturers to raise prices will merely increase the profitability of these companies further—this time at the expense of the United States consumer. Why were they not selling their products at a fair market value, one that does not activate U.S. dumping law, to begin with?

The Japanese Government's timing of this announcement, one day after the Michigan Presidential primary is further evidence that this is not an economically motivated effort to deal with persistent trade cheating. If Japan were seriously concerned about the trade friction between our two countries, it would establish a VER without loopholes.

Mr. President, Japan's announcement about auto exports to the United States does not help our trading partner's credibility regarding serious trade negotiations. If the Japanese are not serious about the VER, they should get rid of it. American workers cannot rely on empty efforts that will not produce real improvements in trade between our two countries.●

SYRIAN JEWRY

● Mr. RIEGLE. Mr. President, I would like to take this opportunity to call attention to the plight of more than 4,000 Jews who remain trapped in Syria, deprived of internationally recognized human rights. The Syrian Government, under the dictatorship of Hafiz Assad, has enforced numerous harsh restrictions on its Jewish population, including especially severe limits on the freedom of movement. These violations of basic civil rights must not be allowed to continue.

Jews have been practicing their religion in the land now called Syria for more than 2,500 years. Since the de-

struction of the first Jewish temple in 586 B.C.E., Jewish life thrived in Syria in large part due to its close proximity to the two ancient focal points of Jewish culture and scholarship, Jerusalem and Babylonia. By the 19th century, Syrian Jews had acquired full rights and held respected government positions in the Ottoman controlled area. But, following World War I, with the deterioration in economic conditions in the region, anti-Semitic incidents became more common.

Today, the Jews of Syria remain the largest Jewish community that still faces severe limitations on its right to emigration. Jews in Syria wishing to travel domestically or abroad face a broad range of restrictions and obstacles. Those wishing to leave the country must post a large monetary deposit and leave behind family members as assurance of their return to Syria. Not only are Syrian Jews restricted in their ability to leave the country, but they are also subjected to severe regulation of their movement within Syria. Syrian Jews are in effect being held hostage by the Government in Damascus.

Syrian Jews who are caught attempting to flee the country or suspected of illegal travel are imprisoned without trial and often beaten, tortured, and held incommunicado. Despite the recent release of four Syrian Jews from prison, others, including the well-known Swed brothers, remain imprisoned merely for attempting to escape their depraved conditions. The two brothers, imprisoned since 1987, have been held incommunicado for 2½ years. Furthermore, they have suffered the brutal reality of Syrian torture. Although the Sweds have recently been permitted to communicate with their family, they were, nevertheless, sentenced to an additional 2½ years. Syria's continual imprisonment of these siblings is a clear violation of the principles embodied in the Universal Declaration of Human Rights, of which Syria is a signatory. I call upon Syrian President Hafiz Assad to immediately release these Jewish prisoners of conscience.

In addition, Syrian Jews who are forced to remain in the country live in ghetto-like areas and are subjected to constant surveillance by Syrian secret police, the Mukhabarat. This organization employs methods similar to those used by the KGB. Contact between Jews and foreigners is closely scrutinized through the reading of mail, wiretapping of phone conversations, and restrictions on communication with family members outside Syria.

March 14, 1992, is the day designated for world remembrance of and solidarity with Syrian Jewry. Syria's denial of internationally recognized human rights to its Jewish population must no longer be tolerated. Today, I signed a letter to President Hafiz Assad, along with several of my Senate colleagues, expressing concern over the number of "deprivations, hardships, and restrictions, faced by the Jewish community, and especially the denial of their right to emigrate." The letter also called for the immediate release of the Sweds and for the restoration of internationally recognized human rights to Jews in Syria. For the Syrian Jewish community, the restoration of these basic human rights is long overdue.●

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendars No. 542, 543, and 544. I further ask unanimous consent that the Senate proceed to their immediate consideration, and that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Janelle Block, of Wisconsin, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1994.

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

George C. White, of Connecticut, to be a member of the National Council on the Arts for a term expiring September 3, 1996.

NATIONAL SCIENCE FOUNDATION

Ian M. Ross, of New Jersey, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1998. (Reappointment.)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE HELD AT THE DESK—H.R. 4449

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 4449, a bill relating to the availability of new construction funds under the Home Investment Partnerships Act just received from the House, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ELECTION ETHICS ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S.3.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3) entitled "An Act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes," do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "House of Representatives Campaign Spending Limit and Election Reform Act of 1991".

TITLE I—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS, MATCHING FUNDS, AND REDUCED THIRD-CLASS MAIL RATE FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES

SEC. 101. NEW TITLE OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new title:

"TITLE V—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS, AND MATCHING FUNDS FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES

"SEC. 501. EXPENDITURE LIMITATIONS.

"(a) IN GENERAL.—An eligible House of Representatives candidate may not, in an election cycle, make expenditures aggregating more than $600,000, of which not more than $500,000 may be expended in the general election period.

"(b) RUNOFF ELECTION AND SPECIAL ELECTION AMOUNTS.—

"(1) RUNOFF ELECTION AMOUNT.—In addition to the expenditures under subsection (a), an eligible House of Representatives candidate who is a candidate in a runoff election may make expenditures aggregating not more than $100,000 in the general election period.

"(2) SPECIAL ELECTION AMOUNT.—An eligible House of Representatives candidate who is a candidate in a special election may make expenditures aggregating not more than $500,000 with respect to the special election.

"(c) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percent or less, subject to the general election period limitation in subsection (a), the candidate may make additional expenditures of not more than $150,000 in the general election period. The additional expenditures shall be from contributions described in section 503(h) and payments described in section 504(g).

"(d) NONPARTICIPATING OPPONENT PROVISIONS.—

"(1) LIMITATION EXCEPTION.—The limitations imposed by subsections (a) and (b) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(A) is not an eligible House of Representatives candidate; and

"(B) receives contributions or makes expenditures in excess of 50 percent of the general election period limitation specified in subsection (a).

"(2) CONTINUED ELIGIBILITY AND ADDITIONAL MATCHING FUNDS.—An eligible House of Rep-

resentatives candidate referred to in paragraph (1)—

"(A) shall continue to be eligible for all benefits under this title; and

"(B) shall receive matching funds without regard to the ceiling under section 504(a).

"(3) REPORTING REQUIREMENT.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who—

"(A) is not an eligible House of Representatives candidate; and

"(B) receives contributions or makes expenditures in excess of 50 percent of the general election period limitation specified in subsection (a)(1);

shall report that the threshold has been reached to the Commission not later than 48 hours after reaching the threshold. Not later than 48 hours after the Commission receives a report under this paragraph, the Commission shall transmit a copy of the report to each other candidate in the election.

"(e) INDEPENDENT EXPENDITURE PROVISION.—The limitation imposed by subsection (a) does not apply to an eligible House of Representatives candidate if independent expenditures totaling $60,000 are made in the same election in favor of another candidate or against the eligible House of Representatives candidate.

"(f) EXEMPTION FOR CERTAIN COSTS AND TAXES.—Payments for legal and accounting compliance costs and Federal and State taxes shall not be considered in the computation of amounts subject to limitation under this section.

"(g) EXEMPTION FOR FUNDRAISING COSTS.—

"(1) Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee in connection with the solicitation of contributions on behalf of such candidate shall not be considered in the computation of amounts subject to limitation under this section to the extent that the aggregate of such costs does not exceed 5 percent of the limitation under subsection (a) or subsection (b).

"(2) An amount equal to 5 percent of salaries and overhead expenditures of an eligible House of Representatives candidate's campaign headquarters and offices shall not be considered in the computation of amounts subject to limitation under this section. Any amount excluded under this paragraph shall be applied against the fundraising expenditure exemption under paragraph (1) above.

"(h) CIVIL PENALTIES.—

"(1) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 5 percent or less shall pay to the Commission, for deposit in the Make Democracy Work Fund, an amount equal to the amount of the excess expenditures.

"(2) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by more than 5 percent and less than 10 percent shall pay to the Commission, for deposit in the Make Democracy Work Fund, an amount equal to three times the amount of the excess expenditures.

"(3) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 10 percent or more shall pay to the Commission, for deposit in the Make Democracy Work Fund, the amount of matching payments received under section 504 and an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(i) INDEXING.—The dollar amounts specified in subsections (a), (b), (c), and (e) shall be adjusted in the manner provided in section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.".

"SEC. 502. STATEMENT OF PARTICIPATION; CONTINUING ELIGIBILITY.

"(a) IN GENERAL.—The Commission shall determine whether a candidate is in compliance with this title and, by reason of such compliance, is eligible to receive benefits under this title. Such determination shall—

"(1) in the case of an initial determination, be based on a statement of participation submitted by the candidate; and

"(2) in the case of a determination of continuing eligibility, be based on relevant additional information submitted in such form and manner as the Commission may require.

"(b) FILING.—The statement of participation referred to in subsection (a) shall be filed not later than January 31 of the election year or on the date on which the candidate files a statement of candidacy, whichever is later.

"SEC. 503. CONTRIBUTION LIMITATIONS.

"(a) ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATE LIMITATION.—An eligible House of Representatives candidate may not, with respect to an election cycle, accept contributions aggregating in excess of $600,000.

"(b) NONPARTICIPATING OPPONENT PROVISIONS.—The limitations imposed by subsection (a) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(1) is not an eligible House of Representatives candidate; and

"(2) receives contributions or makes expenditures in excess of 50 percent of the general election period limitation specified in section 501(a).

"(c) TRANSFER PROVISIONS.—

"(1) If an eligible House of Representatives candidate transfers any amount from an election cycle to a later election cycle, the limitation with respect to the candidate under subsection (a) for the later cycle shall be an amount equal to the difference between the amount specified in that subsection and the amount transferred.

"(2) If an eligible House of Representatives candidate transfers any amount from an election cycle to a later election cycle, each limitation with respect to the candidate under section 315(i) for the later cycle shall be one-third of the difference between the applicable amount specified in subsection (a) and the amount transferred.

"(d) RUNOFF AMOUNT.—In addition to the contributions under subsection (a), an eligible House of Representatives candidate who is a candidate in a runoff election may accept contributions aggregating not more than $100,000 in the general election period. Of such contributions, one-half may be from political committees and one-half may be from persons referred to in section 315(i)(2).

"(e) PERSONAL CONTRIBUTIONS.—

"(1) IN GENERAL.—An eligible House of Representatives candidate may not, with respect to an election cycle, make contributions to his or her own campaign totaling more than $60,000 from the personal funds of the candidate. The amount that the candidate may accept from persons referred to in section 315(i)(2) shall be reduced by the amount of contributions made under the preceding sentence. Contributions from the personal funds of a candidate may not be matched under section 504.

"(2) LIMITATION EXCEPTION.—The limitation imposed by paragraph (1) does not apply in the case of an eligible House of Representatives candidate if any other candidate—

"(A) is not an eligible House of Representatives candidate; and

"(B) receives contributions or makes expenditures in excess of 50 percent of the general election period limitation specified in section 501(a).

"(3) TRIPLE MATCH.—An eligible House of Representatives candidate, whose opponent makes contributions to his or her own campaign in excess of 50 percent of the general election period limitation specified in section 501(a), shall receive $3 in matching funds for each $1 certified by the Commission as matchable for the eligible candidate.

"(f) CIVIL PENALTIES.—

"(1) LOW AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed the limitation under subsection (a) by 5 percent or less shall refund the excess contributions to the persons who made the contributions.

"(2) MEDIUM AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed a limitation under subsection (a) by more than 5 percent and less than 10 percent shall pay to the Commission, for deposit in the Make Democracy Work Fund, an amount equal to three times the amount of the excess contributions.

"(3) LARGE AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed a limitation under subsection (a) by 10 percent or more shall pay to the Commission, for deposit in the Make Democracy Work Fund, the amount of matching payments received under section 504 and an amount equal to three times the amount of the excess contributions plus a civil penalty in an amount determined by the Commission.

"(g) EXEMPTION FOR CERTAIN COSTS AND TAXES.—Any amount—

"(1) accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to the Congress; and

"(2) used for legal and accounting compliance costs and Federal and State taxes shall not be considered in the computation of amounts subject to limitation under subsection (a).

"(h) INDEPENDENT EXPENDITURE PROVISION.—The limitation imposed by subsection (a) does not apply to an eligible House of Representatives candidate if independent expenditures totaling $60,000 are made in the same election in favor of another candidate or against the eligible House of Representatives candidate.

"(i) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percent or less, notwithstanding the limitation in subsection (a), the candidate may, in the general election period, accept additional contributions of not more than $150,000, consisting of—

"(1) not more than $50,000 from political committees; and

"(2) not more than $50,000 from individuals referred to in section 315(i)(2).

"(j) INDEXING.—The dollar amounts specified in subsections (a), (d), (e), (h), and (i) shall be adjusted in the manner provided in section 315(c), except that, for the purposes

of such adjustment, the base period shall be calendar year 1992.".

"SEC. 504. MATCHING FUNDS.

"(a) IN GENERAL.—An eligible House of Representatives candidate shall be entitled to receive, with respect to the general election, an amount equal to the amount of contributions from individuals received by the candidate, but not more than $200,000, and not to the extent that contributions from any individual during the election cycle exceed $200 in the aggregate.

"(b) INDEPENDENT EXPENDITURE PROVISION.—If, with respect to a general election involving an eligible House of Representatives candidate, independent expenditures totaling $10,000 are made against the eligible House of Representatives candidate or in favor of another candidate, the eligible House of Representatives candidate shall be entitled, in addition to any amount received under subsection (a), to a matching payment of $10,000 and additional matching payments equal to the amount of such independent expenditures above $10,000, and expenditures may be made from such payments without regard to the limitations in section 501.

"(c) SPECIFIC REQUIREMENTS.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may receive matching funds under subsection (a) only if the candidate—

"(1) in an election cycle, has received $60,000 in contributions from individuals, with not more than $200 to be taken into account per individual;

"(2) qualifies for the general election ballot;

"(3) has an opponent on the general election ballot; and

"(4) files a statement of participation in which the candidate agrees to—

"(A) comply with the limitations under sections 501 and 503;

"(B) cooperate in the case of any audit by the Commission by furnishing such campaign records and other information as the Commission may require; and

"(C) comply with any repayment requirement under section 505.

"(d) WRITTEN INSTRUMENT REQUIREMENT.—No contribution in any form other than a gift of money made by a written instrument that identifies the individual making the contribution may be used as a basis for any matching payment under this section.

"(e) MAKE DEMOCRACY WORK FUND.—There is established in the Treasury a fund, to be known as the 'Make Democracy Work Fund', consisting of such amounts as may be deposited under section 501, section 503, or provisions enacted pursuant to section 301 of the House of Representatives Campaign Spending Limit and Election Reform Act of 1991. Amounts in the fund shall be available without fiscal year limitation for payment of matching funds under subsection (f) and initial expenditures incurred by the Commission in the administration of section 304(e) or 311(a)(11) of this Act.

"(f) CERTIFICATION AND PAYMENT.—

"(1) CERTIFICATION.—Except as provided in paragraphs (2) and (3), not later than 5 days after receiving a request for payment, the Commission shall submit to the Secretary of the Treasury a certification for payment of the amount requested under subsection (a) or (b).

"(2) PAYMENTS.—The initial payment under subsection (a) to an eligible candidate shall be $60,000. All payments shall be—

"(A) made not later than 48 hours after certification under paragraph (1); and

"(B) subject to proportional reduction in the case of an insufficient balance in the Fund established by subsection (e).

"(3) INCORRECT REQUEST.—If the Commission determines that any portion of a request is incorrect, the Commission shall withhold the certification for that portion only and inform the candidate as to how the candidate may correct the request.

"(g) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percent or less, the candidate shall be entitled to matching funds totaling not more than $50,000, in addition to any other amount received under this section.

"(h) INDEXING.—The dollar amounts specified in subsections (a), (b), and (c) (other than the amount in subsection (c) to be taken into account per individual), and subsections (f) and (g) shall be adjusted in the manner provided in section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS.

"(a) GENERAL ELECTION.—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. No other factors shall be considered in carrying out such an examination and audit. In selecting the accounts to be examined and audited, the Commission shall select all eligible candidates from a congressional district where any eligible candidate is selected for examination and audit.

"(b) SPECIAL ELECTION.—After each special election, the Commission shall conduct an examination and audit of the campaign accounts of all eligible candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this title.

"(c) AFFIRMATIVE VOTE.—The Commission may conduct an examination and audit of the campaign accounts of any eligible House of Representatives candidate in a general election if the Commission, by an affirmative vote of 4 members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(d) PAYMENTS.—If the Commission determines that any amount of a payment to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the excess.

"(e) DEPOSITS.—The Secretary shall deposit all payments received under this section in the Make Democracy Work Fund.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; CERTIFICATIONS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the aggregate amount of matching fund payments certified by the Commission under section 504 for each eligible candidate;

"(3) the amount of repayments, if any, required under section 505, and the reasons for each repayment required; and

"(4) the balance in the Make Democracy Work Fund, and the balance in any account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a House document.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under section 504) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 or judicial review under section 506.

"(c) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (d), to conduct such audits, examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(d) REPORT OF PROPOSED REGULATIONS.—The Commission shall submit to the House of Representatives a report containing a detailed explanation and justification of each rule, regulation, and form of the Commission under this title. No such rule, regulation, or form may take effect until a period of 30 legislative days has elapsed after the report is received. As used in this subsection—

"(1) the term 'legislative day' means any calendar day on which the House of Representatives is in session; and

"(2) the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

"No eligible House of Representatives candidate may receive amounts from the Make Democracy Work Fund unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.".

(b) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If title V of the Federal Election Campaign Act of 1971 (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by this section and by section 201 of this Act, shall be treated as invalid.

SEC. 102. DEFINITIONS.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking out paragraph (19) and inserting in lieu thereof the following new paragraphs:

"(19) The term 'eligible House of Representatives candidate' means a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, as determined by the Commission under section 502, is eligible to receive matching payments and other benefits under title V by reason of filing a statement of participation and complying with the continuing eligibility requirements under section 502.

"(20) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election; and

"(21) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

SEC. 103. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking out "and the National" and inserting in lieu thereof "the National"; and

(B) by striking out "Committee;" and inserting in lieu thereof "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible House of Representatives candidate;";

(2) in paragraph (2)(B), by striking out "and" after the semicolon;

(3) in paragraph (2)(C), by striking out the period and inserting in lieu thereof "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible House of Representatives candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible House of Representatives candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to 3 times the number of individuals in the voting age population of the congressional district (as certified under section 315(e) of such Act).".

TITLE II—LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES; MISCELLANEOUS PROVISIONS RELATING TO CONTRIBUTIONS UNDER THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

SEC. 201. LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions from political committees aggregating in excess of $200,000.

"(2) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions aggregating in excess of $200,000 from persons other than political committees whose contributions total more than $200.

"(3) In addition to the contributions under paragraphs (1) and (2), a House of Representatives candidate who is a candidate in a runoff election may accept contributions aggregating not more than $100,000 with respect to the runoff election. Of such contributions, one-half may be from political committees and one-half may be from persons referred to in paragraph (2).

"(4) Any amount—

"(A) accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to the Congress; and

"(B) used for legal and accounting compliance costs, Federal and State taxes, or fundraising costs under section 501 shall not be considered in the computation of amounts subject to limitation under paragraphs (1), (2), and (3), but shall be subject to the other limitations of this Act.

"(5) In addition to any other contributions under this subsection, if, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percent or less, the candidate may, in the general election period, accept contributions of not more than $150,000, consisting of—

"(A) not more than $50,000 from political committees; and

"(B) not more than $50,000 from persons referred to in paragraph (2).

"(6) The dollar amounts specified in paragraphs (1), (2), (3), and (5) (other than the amounts in paragraphs (2) and (5) relating to contribution totals) shall be adjusted in the manner provided in section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.".

SEC. 202. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 201, is further amended by adding at the end the following new subsection:

"(j) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 203. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 204. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION".

Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking out "and" after the semicolon at the end;

(2) in clause (xiv), by striking out the period at the end and inserting in lieu thereof the following: "; and"; and

(3) by adding at the end the following new clause:

"(xv) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 60 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed $1,000 with respect to an election.".

SEC. 205. INCREASE IN THE AMOUNT THAT MULTICANDIDATE POLITICAL COMMITTEES MAY CONTRIBUTE TO NATIONAL POLITICAL PARTY COMMITTEES.

Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(B)) is amended by striking out "$15,000" and inserting in lieu thereof "$20,000".

SEC. 206. AMENDMENT TO SECTION 316 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Section 316(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended—

(1) by inserting "(A)" at the beginning of paragraph (2) and redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) at the beginning of the first sentence in subparagraph (A), by inserting the following: "Except as provided in subparagraph (B),"; and

(3) by adding at the end of paragraph (2) the following:

"(B) Expenditures by a corporation or labor organization for candidate appearances, candidate debates and voter guides directed to the general public shall be considered contributions unless—

"(i) in the case of a candidate appearance, the appearance takes place on corporate or labor organization premises or at a meeting or convention of the corporation or labor organization, and all candidates for election to that office are notified that they may make an appearance under the same or similar conditions;

"(ii) in the case of a candidate debate, the organization staging the debate is either an organization described in section 301 whose broadcasts or publications are supported by commercial advertising, subscriptions or sales to the public, including a noncommercial educational broadcaster, or a nonprofit organization exempt from Federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 that does not endorse, support, oppose candidates or political parties; and

"(iii) in the case of a voter guide, the guide is prepared and distributed by a corporation or labor organization and consists of questions posed to at least two candidates for election to that office,

provided that no communication made by a corporation or labor organization in connection with the candidate appearance, candidate debate or voter guide contains express advocacy, or that no candidate is favored through the structure or format of the candidate appearance, candidate debate or voter guide.".

TITLE III—REQUIREMENT OF BUDGET NEUTRALITY

SEC. 301. REQUIREMENT OF BUDGET NEUTRALITY.

(a) CONDITIONAL PAY-AS-YOU-GO ESTIMATE.—To achieve the purpose of subsection (b), an estimate shall be made of the net "pay-as-you-go" costs of this Act assuming its preceding sections become effective. That estimate shall be made under the procedures specified in section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (hereinafter referred to as the Deficit Control Act) but shall not be considered to be an estimate required by that section. Until and unless this subsection is superseded by subsection (c), no net costs otherwise attributable to this Act shall be included in any documents required under the Deficit Control Act.

(b) ALL COSTS MUST BE FULLY OFFSET BY JANUARY 1, 1993.—The provisions of title VII, section 201 of title II, and sections 503 through 509 of title I shall not become effective unless, on January 1, 1993, it is determined that each of the following three conditions has been met—

(1) Provisions—

(A) creating incentives for individuals to make voluntary contributions to the candidate of their choice have been enacted; and

(B) for individuals or organizations to make voluntary contributions to the "Make Democracy Work Fund" have been enacted.

(2) The statute enacting any provision referred to in paragraph (1) states that the provision has been enacted for the purpose of effectuating this Act.

(3) The savings from provisions under paragraphs (1) and (2), estimated under the procedures specified in section 252(d) of the Deficit Control Act at the time of their enactment, are as great or greater in both fiscal years 1994 and 1995 than the net costs of this Act in each such year conditionally estimated under subsection (a).

(c) ADDITION OF ESTIMATED NET COSTS TO THE PAY-AS-YOU-GO SCORECARD.—If, on January 1, 1993, it is determined that the costs of this Act have been fully offset as specified in subsection (b), so that the preceding sections of this Act shall become effective, then the conditional estimate of the costs of this Act (made under subsection (a)) shall be included in the records maintained under section 252 of the Deficit Control Act.

(d) DEFINITION OF "COSTS" AND "SAVINGS".—For purposes of this section, the terms "costs" and "savings" mean outlay increases or decreases from direct spending provisions or revenue increases or decreases from revenue provisions of the type covered under section 252 of the Deficit Control Act.

TITLE IV—INDEPENDENT EXPENDITURES

SEC. 401. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking out paragraphs (17) and (18) and inserting in lieu thereof the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) Any expenditure made by the following shall not be considered an independent expenditure:

"(i) a political committee of a political party;

"(ii) a political committee established, maintained or controlled by a person or organization required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act (22 U.S.C. 611); or

"(iii) a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking out "or" after the semicolon at the end;

(2) in clause (ii), by striking out the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 402. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made.

"(B) Any independent expenditure aggregating $5,000 or more made at any time up to and including the 20th day before any election shall be reported within 48 hours after such independent expenditure is made. An additional statement shall be filed each time independent expenditures aggregating $5,000 are made with respect to the same election as the initial statement filed under this section.

"(C) Such statement shall be filed with the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. Not later than 48 hours after the Commission receives a report under paragraph (A) or (B), the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any action taken to incur an obligation for payment.

"(4)(A) If any person intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Such statement shall be filed with the Commission and shall identify each candidate whom the expenditure will support or oppose. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.".

TITLE V—BUNDLING AND SOFT MONEY

SEC. 501. RESTRICTIONS ON BUNDLING.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8)(A) No person, either directly or indirectly, may act as a conduit or intermediary for any contribution to a candidate.

"(B)(i) Nothing in this section shall prohibit—

"(I) joint fundraising conducted in accordance with rules prescribed by the Commission by 2 or more candidates; or

"(II) fundraising for the benefit of a candidate that is conducted by another candidate.

"(ii) No person prohibited from acting as a conduit or intermediary under subparagraph (A) may conduct or otherwise participate in joint fundraising activities with or on behalf of any candidate.

"(C) For purposes of this section, the term 'conduit or intermediary' means a person who transmits a contribution to a candidate or candidate's committee or representative from another person, except that—

"(i) a candidate or representative of a candidate is not a conduit or intermediary for the purpose of transmitting contributions to the candidate's principal campaign committee or authorized committee;

"(ii) a professional fundraiser is not a conduit or intermediary, if the fundraiser is

compensated for fundraising services at the usual and customary rate;

"(iii) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(b), is not a conduit or intermediary for the purposes of that event; and

"(iv) an individual is not a conduit or intermediary for the purpose of transmitting a contribution from the individual's spouse.

"(D) For purposes of this section, the term 'representative'—

"(i) shall mean a person who is expressly authorized by the candidate to engage in fundraising, and who, in the case of an individual, occupies a significant position within the candidate's campaign organization, provided that the individual is not acting as an officer, employee or agent of any other person;

"(ii) shall not include—

"(I) a political committee with a connected organization;

"(II) a political party;

"(III) a partnership or sole proprietorship; or

"(IV) an organization prohibited from making contributions under section 316.".

SEC. 502. LIMITATIONS ON COMBINED POLITICAL ACTIVITIES OF POLITICAL COMMITTEES OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"LIMITATIONS ON COMBINED POLITICAL ACTIVITIES OF POLITICAL COMMITTEES OF POLITICAL PARTIES

"SEC. 323. (a)(1) In each Federal election cycle with respect to each State, a political party the national committee of which received amounts under section 9008(b) of the Internal Revenue Code of 1986 with respect to the preceding presidential election may not make payments for combined political activities in a total amount which exceeds 50 cents multiplied by the voting age population of the State (as certified under section 315(e)) or $500,000, whichever is greater.

"(2) For purposes of the limitation of paragraph (1), aggregate payments by national party committees, State party committees, subordinate State party committees and any other local party committees of the same party in any State shall not exceed the limitation in paragraph (1). A State party committee shall administer compliance with the limitation in one of the following ways—

"(A) the State party committee shall be responsible for ensuring that payments by the entire party organization within that State comply with the limitation and shall file consolidated reports with the Commission showing all payments for combined political activity within the State; or

"(B) any other method, submitted in advance and approved by the Commission which permits control over payments and disclosure.

"(b)(1) Political party committees that make payments for combined political activity must allocate a portion of such payments to Federal accounts containing contributions subject to the limitations and prohibitions of this Act, as provided for in this section.

"(2) National party committees shall allocate as follows:

"(A) At least 65 percent of the costs of voter drives and administrative expenses shall be paid from a Federal account in presidential election years. At least 60 percent of the costs of voter drives and administrative expenses shall be paid from a Federal account in all other years.

"(B) The costs of fundraising activities which shall be paid from a Federal account shall equal the ratio of funds received into the Federal account to the total receipts from each fundraising program or event.

"(C) The costs of activities subject to limitation under section 315(d) which involve both Federal and non-Federal candidates, shall be paid from a Federal account according to the time or space devoted to Federal candidates.

"(3) State and local party committees shall allocate as follows:

"(A) At least 50 percent of the costs of voter drives and administrative expenses shall be paid from a Federal account in presidential election years. In all other years, the costs of voter drives and administrative expenses which shall be paid from a Federal account shall be determined by the ballot composition for the election cycle, but, in no event, shall the amount paid from the Federal account be less than 33 percent.

"(B) The costs of fundraising activities which shall be paid from a Federal account shall equal the ratio of funds received into the Federal account to the total receipts from each fundraising program or event.

"(C) The costs of activities exempt from the definition of 'contribution' or 'expenditure' under section 301, when conducted in conjunction with both Federal and non-Federal elections, shall be paid from a Federal account according to the time or space devoted to Federal candidates or elections.

"(D) The costs of activities subject to limitation under section 315(d) which involve both Federal and non-Federal candidates, shall be paid from a Federal account according to the time or space devoted to Federal candidates.

"(c) For purposes of this subsection—

"(1) the term 'combined political activity' means any activity that is both—

"(A) in connection with an election for Federal office; and

"(B) in connection with an election for any non-Federal office.

"(2) Any activity which is undertaken solely in connection with a Federal election is not combined political activity.

"(3) Except as provided in paragraph (4), combined political activity shall include—

"(A) State and local party activities exempt from the definitions of 'contribution' and 'expenditure' under section 301 and activities subject to limitation under section 315 which involve both Federal and non-Federal candidates, except that payments for activities subject to limitation under section 315 are not subject to the limitation of subsection (a)(1);

"(B) voter drives including voter registration, voter identification and get-out-the-vote drives or any other activities that urge the general public to register, vote for or support Federal or non-Federal candidates, candidates of a particular party, or candidates associated with a particular issue, without mentioning a specific candidate;

"(C) fundraising activities where both Federal and non-Federal funds are collected through such activities; and

"(D) administrative expenses not directly attributable to a clearly identified Federal or non-Federal candidate, except that payments for administrative expenses are not subject to the limitation of subsection (a)(1).

"(4) The following payments are exempt from the definition of combined political activity:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any payments for legal or accounting services, if such services are for the purpose of ensuring compliance with this Act.

"(5) The term 'ballot composition' means the number of Federal offices on the ballot compared to the total number of offices on the ballot during the next election cycle for the State. In calculating the number of offices for purposes of this paragraph, the following offices shall be counted, if on the ballot during the next election cycle: President, United States Senator, United States Representative, Governor, State Senator, and State Representative. No more than three additional statewide partisan candidates shall be counted, if on the ballot during the next election cycle. No more than three additional local partisan candidates shall be counted, if such offices are on the ballot in the majority of the State's counties during the next election cycle.

"(6) The term 'time or space devoted to Federal candidates' means with respect to a particular communication, the portion of the communication devoted to Federal candidates compared to the entire communication, except that no less than one-third of any communication shall be considered devoted to a Federal candidate.".

SEC. 503. PROHIBITION OF SOLICITATION OF CONTRIBUTIONS FOR CERTAIN TAX-EXEMPT ORGANIZATIONS BY FEDERAL CANDIDATES AND OFFICE HOLDERS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 201 and 202, is further amended by adding at the end the following new subsection:

"(k) During any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a substantial part of the activities of such organization include voter registration or get-out-the-vote campaigns.".

SEC. 504. REPORTING REQUIREMENTS FOR CERTAIN RECEIPTS AND DISBURSEMENTS THAT ARE NOT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE OR ARE NOT CONTRIBUTIONS OR EXPENDITURES.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d)(1) Political committees established and maintained by a national political party shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 323 applies shall report all receipts and disbursements in connection with a Federal election or combined political activity (as determined under section 323).

"(3) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election or combined political activity (as determined by the Commission).

"(4) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was received or made.

"(5) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by adding at the end the following:

"(C) The exclusions provided in subparagraphs (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)) is amended by adding at the end the following:

"(C) The exclusions provided in subparagraph (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures aggregating in excess of $200 shall be reported.".

SEC. 505. CLARIFICATION OF EXCLUSION OF MAILING COSTS FROM PARTY-BUILDING PROVISIONS.

Section 301(8)(B)(x)(1), section 301(8)(B)(xi), section 301(8)(B)(xii)(1), section 301(9)(B)(viii)(1), and section 301(9)(B)(ix)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(x)(1)), (2 U.S.C. (8)(B)(xi)), (2 U.S.C. 431(8)(B)(xii)(1)), (2 U.S.C. 431(9)(B)(viii)(1)), and (2 U.S.C. 431(9)(B)(ix)(1)) are each amended by striking out "direct mail" and inserting in lieu thereof "mail".

TITLE VI—PROHIBITIONS RELATING TO POLITICAL COMMITTEES AND FOREIGN NATIONALS

SEC. 601. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by inserting the following new paragraph:

"(6)(A) A candidate for Federal office may not establish, maintain, or control any political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office.

"(B) For one year after January 1, 1993, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified, under section 501(c)(3) of the Internal Revenue Code of 1966, or making a contribution to the treasury of the United States or the Make Democracy Work Fund; or, contributing to the national, State or local committees of a political party, or, making contributions not to exceed $1,000 to any candidate for elective office.".

SEC. 602. PROHIBITION OF CERTAIN USES OF THE NAME OF A CANDIDATE BY POLITICAL COMMITTEES OTHER THAN THE PRINCIPAL CAMPAIGN COMMITTEE OF THE CANDIDATE.

Section 302(e)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name or use the name of any candidate in any fundraising activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate.".

SEC. 603. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by adding at the end the following new subsection:

"(c) A foreign national shall not directly or indirectly direct, control, influence or participate in any person's election-related activities, such as the making of contributions or expenditures in connection with elections for any local, State, or Federal office or the administration of a political committee.".

TITLE VII—CAMPAIGN SURPLUS

SEC. 701. EXCESS FUNDS OF INCUMBENTS WHO ARE CANDIDATES FOR THE HOUSE OF REPRESENTATIVES.

An individual who—

(1) is a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in an election cycle to which title V of the Federal Election Campaign Act of 1971 (as enacted by section 101 of this Act) applies;

(2) is an incumbent of that office; and

(3) as of the date of the first statement of participation submitted by the individual under section 502 of the Federal Election Campaign Act of 1971, has campaign accounts containing in excess of $600,000;

shall deposit such excess in a separate account subject to the provision of section 304 of the Federal Election Campaign Act of 1971. The amount so deposited shall be available for any lawful purpose other than use, with respect to the individual, for an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, unless section 501(d)(1) of the Federal Election Campaign Act of 1971 is applicable.

TITLE VIII—CAMPAIGN ADVERTISING

SEC. 801. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking out "an expenditure" and inserting in lieu thereof "a disbursement";

(2) in the matter before paragraph (1) of subsection (a), by striking out "direct";

(3) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(4) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the candidate, and, if broadcast or cablecast by means of television, shall also—

"(1) appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(2) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 802. AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by section 801, is further amended—

(1) in subsection (b)(1)—

(A) by striking out "forty-five" and inserting in lieu thereof "30";

(B) by striking out "sixty" and inserting in lieu thereof "45"; and

(C) by striking out "lowest unit charge of the station for the same class and amount of time for the same period" and insert "lowest charge of the station for the same amount of time for the same period on the same date";

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

TITLE IX—CONTRIBUTION SOLICITATION

SEC. 901. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

TITLE X—REPORTING REQUIREMENTS

SEC. 1001. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking out "$200" and inserting in lieu thereof "$50".

SEC. 1002. REPORTING OF OPERATING EXPENDITURES BY CATEGORY.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 504 of this Act, is further amended by adding at the end the following new subsection:

"(e) The Commission shall require, with respect to reports under this section, that op-

erating expenditures be reported on an election cycle basis, by category, as specified by the Commission.".

SEC. 1003. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of subsection (b) of section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)-(7)) are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress)".

SEC. 1004. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $50 or more.".

TITLE XI—BALLOT INITIATIVE COMMITTEES

SEC. 1101. DEFINITIONS RELATING TO BALLOT INITIATIVES.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 102, is further amended by adding at the end the following new paragraphs:

"(22) The term 'ballot initiative political committee' means any committee, club, association, or other group of persons which makes ballot initiative expenditures or receives ballot initiative contributions in excess of $1,000 during a calendar year.

"(23) The term 'ballot initiative contribution' means any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the State, commonwealth, territory, or District of Columbia level which involves (A) interstate commerce; (B) the election of candidates for Federal office and the permissible terms of those so elected; (C) Federal taxation of individuals, corporations, or other entities; or (D) the regulation of speech or press, or any other right guaranteed under the United States Constitution.

"(24) The term 'ballot initiative expenditure' means any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the state, commonwealth, territory, or District of Columbia level which involves (A) interstate commerce; (B) the election of candidates for Federal office and the permissible terms of those so elected; (C) Federal taxation of individuals, corporations, or other entities; or (D) the regulation of speech or press, or any other right guaranteed under the United States Constitution.".

SEC. 1102. AMENDMENT TO DEFINITION OF CONTRIBUTION.

Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)), as amended by section 204, is further amended—

(1) in clause (xiv), by striking out "and" after the semicolon;

(2) in clause (xv), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause: "(xvi) a ballot initiative contribution.".

SEC. 1103. AMENDMENT TO DEFINITION OF EXPENDITURE.

Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix)(3), by striking out "and" after the semicolon;

(2) in clause (x), by striking out the period and inserting in lieu "; and"; and

(3) by adding at the end the following new clause:

"(xi) a ballot initiative expenditure.".

SEC. 1104. ORGANIZATION OF BALLOT INITIATIVE COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 302 (2 U.S.C. 432) the following new section:

"ORGANIZATION OF BALLOT INITIATIVE COMMITTEES

"SEC. 302A. (a) Every ballot initiative political committee shall have a treasurer. No ballot initiative contribution shall be accepted or ballot initiative expenditure shall be made by or on behalf of a ballot initiative political committee during any period in which the office of treasurer is vacant.

"(b)(1) Every person who receives a ballot initiative contribution for a ballot initiative political committee shall—

"(A) if the amount is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

"(B) if the amount of the ballot initiative contribution is in excess of $50, forward to the treasurer such contribution, the name, address, and occupation of the person making such contribution, and the date of receiving such contribution, no later than 10 days after receiving such contribution.

"(2) All funds of a ballot initiative political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

"(3) The treasurer of a ballot initiative political committee shall keep an account for—

"(1) all ballot initiative contributions received by or on behalf of such ballot initiative political committee;

"(2) the name and address of any person who makes a ballot initiative contribution in excess of $50, together with the date and amount of such ballot initiative contribution by any person;

"(3) the name, address, and employer (if an individual) of any person who makes a ballot initiative contribution or ballot initiative contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

"(4) the identification of any political committee or ballot initiative political committee which makes a ballot initiative contribution, together with the date and amount of any such contribution; and

"(5) the name and address of every person to whom any ballot initiative expenditure is made, the date, amount and purpose of such ballot initiative expenditure, and the name of the ballot initiative(s) to which the ballot initiative expenditure pertained.

"(d) The treasurer shall preserve all records required to be kept by this subchapter for 3 years after the report is filed.".

SEC. 1105. BALLOT INITIATIVE COMMITTEE REPORTING REQUIREMENTS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 304 (2 U.S.C. 434) the following new section:

"BALLOT INITIATIVE COMMITTEE REPORTING REQUIREMENTS

"SEC. 304A. (a)(1) Each treasurer of a ballot initiative political committee shall file reports of certain receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

"(2) All ballot initiative political committees shall file either—

"(A)(i) quarterly reports in each calendar year when a ballot initiative is slated regarding which the ballot initiative committee plans to make or makes a ballot initiative expenditure or plans to receive or receives a ballot initiative contribution, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year; and

"(ii) preballot initiative reports, which shall be filed 5 days before the occurrence of each ballot initiative in which the ballot initiative committee plans to make or has made a ballot initiative expenditure or plans to receive or has received a ballot initiative contribution; or

"(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month.

"(3) If a designation, report, or statement filed pursuant to this subchapter (other than under paragraph (2)(A)(ii)) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

"(4) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during each year, only the amount need be carried forward.

"(b) Each report under this section shall disclose—

"(1) the amount of cash on hand at the beginning of the reporting period;

"(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

"(A) ballot initiative contributions from persons other than political committees;

"(B) ballot initiative contributions from political party committees;

"(C) ballot initiative contributions from other political committees and ballot initiative political committees;

"(D) transfers from affiliated political committees;

"(E) loans;

"(F) rebates, refunds, and other offsets to operating expenditures; and

"(G) dividends, interest, and other forms of receipts;

"(3) the identification of each—

"(A) person (other than a political committee or ballot initiative political committee) who makes a ballot initiative contribution to the reporting committee during the reporting period, whose ballot initiative contribution or ballot initiative contributions have an aggregate amount or value in excess of $50 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution and the address and occupation (if an individual) of the person;

"(B) political committee or ballot initiative political committee which makes a bal-

lot initiative contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

"(C) affiliated political committee or affiliated ballot initiative political committee which makes a transfer to the reporting committee during the reporting period;

"(D) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan and the address and occupation (if an individual) of the person;

"(E) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of such receipt and the address and occupation (if an individual) of the person; and

"(F) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt and the address and occupation (if an individual) of the person;

"(4) for the reporting period and the calendar year, the total amount of disbursements, and all disbursements in the following categories:

"(A) ballot initiative expenditures;

"(B) transfers to affiliated political committees or ballot initiative political committees;

"(C) ballot initiative contribution refunds and other offsets to ballot initiative contributions;

"(D) loans made by the reporting committee and the name of the person receiving the loan together with the date of the loan and the address and occupation (if an individual) of the person; and

"(E) independent expenditures;

"(5) the total sum of all ballot initiative contributions to such ballot initiative political committee.".

SEC. 1106. ENFORCEMENT AMENDMENT.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) The civil penalties of this Act shall apply to the organization, recordkeeping, and reporting requirements of a ballot initiative political committee under section 302A or 304A, insofar as such committee conducts activities solely for the purpose of influencing a ballot initiative and not for the purpose of influencing any election for Federal office.".

SEC. 1107. CONFORMING AMENDMENT TO STATEMENT PROVISION.

Section 312(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439(a)(1)) is amended to read as follows:

"SEC. 312. (a)(1) A copy of each report and statement required to be filed by any person under this Act (except a ballot initiative political committee) shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.".

SEC. 1108. STATEMENT AMENDMENT.

Section 312 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439) is amended by adding at the end the following new subsection:

"(c) A ballot initiative political committee may file each report and statement required to be filed under this Act in the State in which its treasurer resides and with the Commission, insofar as such committee conducts activities solely for the purpose of influencing a ballot initiative and not for the purpose of influencing any election for Federal office.".

SEC. 1109. PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER.

Section 320 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441f) is amended to read as follows:

"PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER

"SEC. 320. No person shall make a contribution or ballot initiative contribution in the name of another person or knowingly permit his name to be used to effect such a contribution or ballot initiative contribution, and no person shall knowingly accept a contribution or ballot initiative contribution made by one person in the name of another person.".

SEC. 1110. LIMITATION ON CONTRIBUTION OF CURRENCY.

Section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441g) is amended to read as follows:

"LIMITATION ON CONTRIBUTION OF CURRENCY

"SEC. 321. No person shall make contributions or ballot initiative contributions of currency of the United States or currency of any foreign country which in the aggregate, exceed $100, to or for the benefit of: (1) any candidate for nomination for election, or for election, to Federal office; (2) any political committee (other than a ballot initiative political committee) for the purpose of influencing an election for Federal office; or (3) any ballot initiative political committee for the purpose of influencing a ballot initiative.".

TITLE XII—PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE.

SEC. 1201. PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 502, is further amended by adding at the end the following new section:

"PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE

"SEC. 324. No aircraft that is owned or operated by the Government (including any aircraft that is owned or operated by the Department of Defense) may be used in connection with an election for Federal office.".

TITLE XIII—SENSE OF THE CONGRESS

SEC. 1301. SENSE OF THE CONGRESS.

The Congress should consider legislation which would provide for an amendment to the Constitution to set reasonable limits on campaign expenditures in Federal elections.

TITLE XIV—EFFECTIVE DATE

SEC. 1401. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of, and the amendments made by, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to any election occurring before January 1, 1993.

Amend the title so as to read: "An Act to amend the Federal Election Campaign Act of 1971 and related provisions of law to provide for a voluntary system of spending limits and benefits for House of Representatives election campaigns, and for other purposes.".

Mr. MITCHELL. Mr. President, I move the Senate disagree to the House amendments and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. FORD, Mr. BOREN, Mr. MITCHELL, Mr. MCCONNELL, and Mr. GRAMM, conferees on the part of the Senate.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the distinguished senior Senator from Rhode Island be recognized for such time as he may consume and that following that time the Senate stand in recess under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. PELL. Thank you, Mr. President.

SOUTH AFRICAN REFERENDUM

Mr. PELL. Mr. President, the history of every nation is full of turning points, of critical times when decisions taken can make the difference between war and peace, poverty and wealth, harmony or chaos. For South Africa, the whites only referendum held earlier this week was one of those times, and white South Africans rose to the occasion.

Courageously and in unprecedented numbers, they voted on Tuesday to support continuation of the reform process begun by South Africa President F.W. de Klerk on February 2, 1990, with the unbanning of the African National Congress [ANC] and other antiapartheid organizations. Pollsters and pundits predicted that the vote would be close, that at best the Government would get no more than 60 percent. They were wrong. Eighty-five percent—one of the highest turnouts in the electoral history of white South Africa—came out to vote. Nearly 70 percent of them voted to support de Klerk's policy of negotiating an end to apartheid.

In the weeks leading up to the referendum, South African whites were told again and again by the opposition Conservative Party that their future, their wealth, and their identity, could

only be protected in a separate, white South African state. Had a majority accepted this argument, South Africa no doubt would have disintegrated into civil war and apartheid would have been reborn. Fortunately, history has taken a different turn because a majority of whites had the courage to cross the Rubicon and to entrust their future to a new, nonracial South Africa.

The outcome of the referendum has given President de Klerk the mandate he needs to continue the process of negotiation with the ANC and other opposition groups. Inevitably, there will be fits and starts in the process, but the negotiations will proceed. A consensus has now emerged between South African whites and South African blacks. While they may disagree over details, they agree on the fundamental objective of creating a new South Africa in which blacks and whites share genuine power. This week's referendum set the stage for agreement. The outcome paves the way for peace.

ORDERS FOR TOMORROW

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon, Friday, March 20; that following the prayer, the Journal of the proceedings be approved to date; that, following the time for the two leaders, there be a period for morning business with Senators permitted to speak therein, with Senator SEYMOUR, Senator NICKLES, and Senator SIMPSON recognized for up to 5 minutes each, Senator PRESSLER for up to 10 minutes, and Senator COATS for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon tomorrow.

Thereupon, the Senate, at 6:51 p.m., recessed until Friday, March 20, 1992, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 13, 1992:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

JANELLE BLOCK, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1994.

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

GEORGE C. WHITE, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996.

NATIONAL SCIENCE FOUNDATION

IAN M. ROSS, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1998.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.